

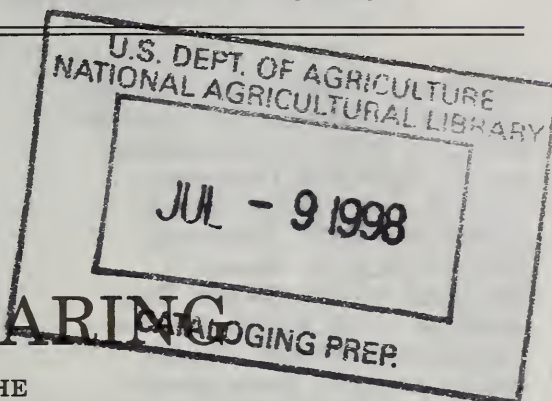
Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

House
Feb 1990
Agriculture

ANIMAL RESEARCH FACILITY PROTECTION

KF27
.A33277
1990f



JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE

AND THE

SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND
POULTRY

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

FEBRUARY 28, 1990

Serial No. 101-52



RECEIVED

Printed for the use of the Committee on Agriculture

U.S. GOVERNMENT PRINTING OFFICE

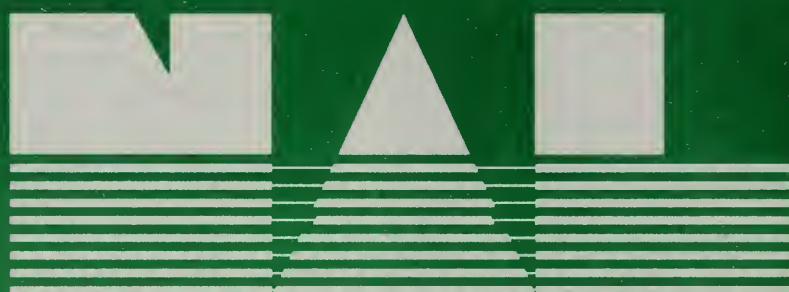
WASHINGTON : 1991

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

REF

WAL/
GEO/
CHAI
GLEN
LEON
JERR
DAN
CHAI
HARC
CHAI
ROBI
HARI
JIM C
TIMO
RICH
DAVI
JIM J
TIM C
CLAU
BEN
MIKE

**United States
Department of
Agriculture**



National Agricultural Library

BILL SARFALIOS, Texas
JILL L. LONG, Indiana
GARY CONDIT, California
ROY DYSON, Maryland
H. MARTIN LANCASTER, North Carolina

PROFESSIONAL STAFF

DIANNE POWELL, *Staff Director*
VERNIE HUBERT, *Legislative Director*
DANIEL E. BRINZA, *Chief Counsel*
CHARLES HILTY, *Minority Staff Director*
JAMES A. DAVIS, *Press Secretary*

**SUBCOMMITTEE ON DEPARTMENT OPERATIONS, RESEARCH, AND FOREIGN
AGRICULTURE**

GEORGE E. BROWN, Jr., California, <i>Chairman</i>	
CHARLES ROSE, North Carolina	PAT ROBERTS, Kansas
LEON E. PANETTA, California	E. THOMAS COLEMAN, Missouri
CHARLES W. STENHOLM, Texas	SID MORRISON, Washington
DAN GLICKMAN, Kansas	FRED GRANDY, Iowa
CHARLES HATCHER, Georgia	JAMES T. WALSH, New York
JIM OLIN, Virginia	
HAROLD L. VOLKMER, Missouri	
JIM JONTZ, Indiana	

SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND POULTRY

CHARLES W. STENHOLM, Texas, <i>Chairman</i>	
JIM OLIN, Virginia	STEVE GUNDERSON, Wisconsin
BEN NIGHTHORSE CAMPBELL, Colorado	LARRY J. HOPKINS, Kentucky
TIM JOHNSON, South Dakota	ARLAN STANGELAND, Minnesota
CLAUDE HARRIS, Alabama	TOM LEWIS, Florida
CHARLES ROSE, North Carolina	ROBERT F. (BOB) SMITH, Oregon
HAROLD L. VOLKMER, Missouri	JAMES T. WALSH, New York
TIMOTHY J. PENNY, Minnesota	BILL GRANT, Florida
DAVID R. NAGLE, Iowa	
JILL L. LONG, Indiana	
GARY CONDIT, California	

CONTENTS

	Page
Brown, Hon. George E., Jr., a Representative in Congress from the State of California, opening statement	1
Letter of February 27, 1990, from the Executive Office of the President	14
Gunderson, Hon. Steve, a Representative in Congress from the State of Wisconsin, opening statement	3
Rose, Hon. Charles, a Representative in Congress from the State of North Carolina, opening statement	4
Stenholm, Hon. Charles W., a Representative in Congress from the State of Texas, opening statement	2

WITNESSES

Arnoldi, Joan, Deputy Administrator, Regulatory Enforcement and Animal Care, Animal and Plant Health Inspection Service, U.S. Department of Agriculture	34
Prepared statement	99
Barker, Kenneth L., vice president, research and academic support, Texas Tech University	74
Grollman, Elliott, Captain, Dignitary Protection/Terrorism/Counteraction, Federal Protective Service, General Services Administration	67
Prepared statement	112
Hamilton, Richard T., director of police, Texas Tech University Health Sciences Center	73
Prepared statement	140
Hueston, Harry, II, assistant chief of police, University of Arizona	69
Prepared statement	132
Maloney, Paul L., Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice	6
Prepared statement	86
Response to written questions	24
Nakamura, John T., Washington representative, California Department of Food and Agriculture	33
Prepared statement	96
Raub, William F., Acting Director, National Institutes of Health, U.S. Department of Health and Human Services	31
Prepared statement	90
Letter of May 7, 1990	54
Seals, Thomas C., on behalf of the International Association for Healthcare Security and Safety	64
Prepared statement	108
Sweat, O.W., Director, Division of Security Operations, National Institutes of Health, U.S. Department of Health and Human Services	63
Prepared statement	104

SUBMITTED MATERIAL

American Heart Association, office of public affairs, statement	143
Barr, James C., chief executive officer, National Milk Producers Federation, letter of August 2, 1989	149
Clark, L. Kirk, president, American Association of Swine Practitioners, letter of September 12, 1989	150
Datt, John C., executive director, American Farm Bureau Federation, letter of August 1, 1989	151

IV

	Page
DeBakey, Michael E., M.D., Baylor College of Medicine, letter of October 6, 1989.....	152
Ebert, Paul A., M.D., American College of Surgeons, letter of January 10, 1990.....	153
Ferris, Thomas F., M.D., president, Association of Professors of Medicine, letter of January 30, 1990.....	154
Gingerich, Don, president, National Pork Producers Council, letter of July 26, 1989.....	155
Haragan, Donald R., executive vice president and provost, and Robert M. Sweazy, vice provost for research, Texas Tech University, letter of June 1, 1989.....	156
Holt, Fred H., president, and John W. Thomas, senior counsel, Animal Health Institute, letter of August 1, 1989.....	157
Josserand, Robert D., president, National Cattlemen's Association, letter of August 1, 1989.....	158
Killam, Eva King, professor of pharmacology, department of pharmacology, school of medicine, University of California, Davis, letter of November 13, 1989.....	159
Kopperud, Steve, vice president, American Feed Industry Association, letter of July 31, 1989.....	160
Lein, Harold E., executive vice president and general manager, National Live Stock Producers Association, letter of August 2, 1989.....	161
Mark, Hans, chancellor, the University of Texas System, and Perry Adkisson, chancellor, Texas A&M University System, letter of April 20, 1989.....	162
McLeod, Michael R., counsel, and Christine V. Nelson, government relations, United Egg Producers, letter of July 31, 1989.....	164
Molpus, C. Manly, president, American Meat Institute, letter of August 3, 1989.....	166
Petersdorf, Robert G., M.D., president, Association of American Medical Colleges, letter of January 17, 1989.....	167
Prokasy, William F., chairman, Council of Scientific Society Presidents, letter of January 16, 1990.....	168
Schiffer, Stephen P., DVM, MS, director, research resources facility, Georgetown University Medical Center, letter of January 24, 1990.....	169
Schneemann, Bill, president, and Pierce Miller, chairman, legislative council, American Sheep Industry Association, letter of August 1, 1989.....	170
Smith, Jo Ann R., Assistant Secretary, Marketing and Inspection Services, U.S. Department of Agriculture, letter of April 3, 1990.....	30
Stobo, John D., M.D., president, American College of Rheumatology, letter of October 9, 1989.....	171
Strahm, Samuel E., DVM, president, American Veterinary Medical Association, letter of August 21, 1989.....	172
Waller, David W., assistant professor, department of biological sciences, Kent State University, letter of February 26, 1990.....	173
Ward, Donald M., executive director, Texas Veterinary Medical Association, letter of October 26, 1989.....	174
Watts, George B., president, National Broiler Council, letter of August 2, 1989.....	125
Weisfeldt, Myron L., M.D., president, American Heart Association, letter of January 22, 1990.....	176

ANIMAL RESEARCH FACILITY PROTECTION

WEDNESDAY, FEBRUARY 28, 1990

HOUSE OF REPRESENTATIVES; SUBCOMMITTEE ON DEPARTMENT OPERATIONS, RESEARCH, AND FOREIGN AGRICULTURE; JOINT WITH THE SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND POULTRY; COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 1300, Longworth House Office Building, Hon. George E. Brown, Jr. (chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture) presiding, together with Hon. Charles W. Stenholm (chairman of the Subcommittee on Livestock, Dairy, and Poultry).

Present from the Subcommittee on Department Operations, Research, and Foreign Agriculture: Representatives Brown, Rose, Stenholm, Hatcher, Olin, Volkmer, Jontz, Roberts, and Walsh.

Present from the Subcommittee on Livestock, Dairy, and Poultry: Representatives Stenholm, Olin, Johnson, Rose, Volkmer, Penny, Long, Condit, Gunderson, Hopkins, Walsh, and Grant.

Also present: Representative E (Kika) de la Garza, chairman of the committee.

Staff present: Alice Devine, minority associate counsel; Francie Monaghan, clerk; William A. Stiles, Jr., Daniel B. Waggoner, James A. Davis, Perry O'Keeffe, Carol Ann Dubard, and John Conrad.

OPENING STATEMENT OF HON. GEORGE E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BROWN. The subcommittee will come to order.

This morning we are conducting an oversight hearing jointly with the Subcommittee on Livestock, Dairy, and Poultry which will focus on animal facility protection.

The apparent increase in vandalism, theft, and trespass of research facilities using animal models has drawn the attention of both Congress and the public. At the end of the first session of the 101st Congress the Senate passed by unanimous consent "The Animal Research Facilities Protection Act of 1989". There are similarly several pieces of legislation related to this issue before my subcommittee.

It is my belief, however, that to develop and enact effective legislation there must be a thorough understanding of the statutes as they presently exist, as well as the mechanisms which provide for their enforcement.

It is the intent today to question expert witnesses involved in research facility protection and law enforcement on the most effective course of action in dealing with this emerging problem.

Research is the backbone of science, and I am a strong advocate of scientific growth and development. In addition, I am concerned that animals used in research are assured of the three C's, competence, care and compassion.

The U.S. Department of Justice along with the FBI in their 1988 report on "Terrorism in the United States" has identified new groups of terrorists that distinguish themselves from other terrorists in that "they employ violence and criminal acts to bring about social rather than political change". This report cites one violent animal rights organization as an example.

The impetus behind today's hearing is a direct result of the violent acts carried out against animal research facilities. We must examine the added costs of research, both biomedical and agricultural, due to the need for increased security of these facilities. We must explore the potential risk of human life by release of research animals carrying diseases which are contagious to humans or as a result of violent acts such as arson or firebombing.

We must question local, State, and Federal authorities on their ease of interaction in investigating suspects and securing evidence related to facility break-ins. We must look at the collection of incident data and evaluate the necessity for improvements in this area.

Finally, we must look at the long term negative effects of animal facility break-ins on the continued stream of scientific breakthroughs, the development of new technologies and the deterrence of competent and inquisitive minds from the field of science.

I will now recognize Mr. Stenholm, the chairman of our other subcommittee for any opening statement he might have.

OPENING STATEMENT OF HON. CHARLES W. STENHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. STENHOLM. Thank you, Mr. Chairman.

I appreciate very much your willingness to convene this joint public hearing today surrounding an increasingly serious problem regarding terrorist acts levied against farm animal and biomedical research facilities.

Regrettably, it is apparent that current laws are not discouraging acts of violence against meat processors, livestock auctions, biomedical researchers, farmers and ranchers, and even our children who handle animals.

Criminal terrorist activities will continue unless the full power of the legal system is used. Apparently nothing short of discontinuing biomedical research or eliminating livestock and poultry production will satisfy the agenda of the most radical animal rights groups. Those who choose to disrupt lawful agricultural and scientific research activity through violent means should face legal sanctions that are commensurate with their actions.

The true victims of the illegal acts of terrorism are not only agricultural and biomedical research institutions and food animal producers, but all members of society. In all circumstances scientists,

educators, and producers must fulfill their moral responsibilities to give proper care and humane treatment to animals. However, to ignore threats to agricultural productivity and science is to place that productivity in jeopardy, with consumers both here and abroad as much victims as the farmers and ranchers who are under attack.

Incidents of arson, animal theft, vandalism and threats have occurred in several States in recent years, including California, Pennsylvania, Delaware, Arizona, and Texas. There is ample evidence that in recent years the agenda of some animal welfare groups has become increasingly violent, as recently witnessed by two tragic incidents at Texas Tech University, my alma mater, the University of Arizona, and the University of Pennsylvania.

This type of criminal behavior must be stopped. Regardless of the motives underlying those who commit illegal acts endangering human and animal life, destruction of property and vandalism are in all cases contrary to the public interest. Therefore, we must take appropriate action to stop these acts of animal rights terrorism.

I am joined by over 100 of my colleagues in supporting legislation designed to prevent, deter and penalize crimes and illegal acts of terrorism against U.S. farmers, ranchers, food processors and agricultural and biomedical researchers.

Today we will hear from a distinguished set of witnesses representing Federal, State, and local authorities responsible for law enforcement activities. Hopefully the testimony submitted this morning will give clear evidence of the need to enhance our efforts in getting a handle on these regrettable incidents of special interest terrorism.

Thank you, Mr. Chairman.

Mr. BROWN. Thank you, Mr. Stenholm.

I'll recognize any other members who may have an opening statement at this point.

Mr. Gunderson.

OPENING STATEMENT OF HON. STEVE GUNDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. GUNDERSON. Thank you, Mr. Chairman.

I do not have a long opening statement. I simply want to commend you and Chairman Stenholm for calling this hearing. I think at a time in which this country is seeking to be competitive in the world and global economy, and a time in which we recognize that high tech, biotech is such that we absolutely have to enhance our overall science efforts, and certainly our research and development, that we need to understand the risks that animal and research terrorism are presenting to this country and its future state in terms of our overall standard of living and our commitment to the benefits which science can provide.

All indications are that over the last 10 years there has been something like over 120 incidents of animal research terrorism recorded by the Federal Bureau of Investigation. Data in front of me would suggest that we have had approximately 20 such incidents just in the last year alone. Those numbers suggest to me that whereas typically in the area of "criminal law" we have looked to

the States, there clearly becomes, because of the national commitment competitiveness, national commitment to improve science and national commitment to research and development in this country that we at the Federal level do need to take a good, analytical, careful look at how we might be able to be involved in developing policy which is going to be of assistance in this area.

Clearly the lack of continuity in investigation protocol, the need for central data systems, the cost of protecting facilities which eventually provide the possibility, not the likelihood, that we are going to simply halt science in animal and production agriculture presents to us a need for this hearing and I think a need for a response that is going to have to be quick and it's going to have to be strong.

So I commend you for the hearing. I look forward to working with you in this very important area not only to agriculture, not only to research, but, I think what we all need to understand, to the lives of every American and to America's role and place in a competitive society.

Thank you.

Mr. BROWN. Thank you, Mr. Gunderson.

Mr. Rose.

OPENING STATEMENT OF HON. CHARLES ROSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. ROSE. Thank you, Mr. Chairman.

I believe very strongly that we're mixing apples and oranges here. And I think it is a bit disingenuous the way it's been done.

This hearing is oversight on animal research facility protection. Yet my colleague from Texas, Mr. Stenholm, would add to that invasions of the property rights of farmers and ranchers.

I don't believe that there is any Member of Congress who believes that anyone has the right for any reason to violate the property rights of farmers and ranchers. The laws are pretty clear. I am a lawyer, I have been brought up in the discipline of respecting peoples' property rights, as we encourage all our citizens to do.

But some of us in the Congress have grave concerns about the way the U.S. Department of Agriculture has not enforced the Animal Welfare Act. The Animal Welfare Act is not directed at farm animals, it is only directed at laboratory animals. And so we have raised questions about animal research practices in this country.

My colleague from Texas has combined the concerns of the biomedical research community with his own personal concerns about the property rights of farmers and ranchers. And I think that does tremendous disservice to farmers and ranchers for this reason. We in Agriculture don't have a lot of friends and supporters in the Congress. We must work as hard as we can to build coalitions among city and urban members to pass agricultural legislation.

One of the things that I'm impressed with is the number of sincere members from urban and suburban districts who are genuinely concerned about animal research issues, who have absolutely no sympathy for people who violate the property rights of farmers and ranchers. And when we talk about them as if they were one issue,

what I perceive is that the farmers and ranchers have been bamboozled by the biomedical research community.

As a friend of farmers and ranchers, we ain't got a dog in the fight on animal research issues. And it will be interesting to see how the testimony proceeds here today. I already noticed that the Executive Office of the President, Office of Science and Technology, has sent us a letter saying that they disagree with the Justice Department. And so, Mr. Maloney, I'm looking very interested in hearing what you have to say.

But where I come from, as a lawyer, I'm not convinced at this point that the Federal Government needs to be protecting chicken ranchers and farmers. I believe—I'm going to have to be convinced otherwise—that local law enforcement has all the tools it needs at its discretion to handle that problem.

I have no sympathy for people who break in laboratories or research facilities, or do any of the things that were described, and I've yet to be convinced that Federal legislation as opposed to State legislation is necessary in those cases.

Thank you, Mr. Chairman.

Mr. BROWN. Thank you, Mr. Rose.

Does any other member have an opening statement?

Mr. STENHOLM. Mr. Chairman.

Mr. BROWN. Do you want a rebuttal?

Mr. STENHOLM. Yes, I do.

I have a difficult time believing that my colleague could have sat here and made the statement that he just said. But that's the American way of life.

Let me interject in the record right here, for you talking about producers not wanting this, the North Carolina Pork Producers Association, the North Carolina Cattlemen, the North Carolina Poultry Federation do believe we have a problem.

Mr. ROSE. You have done a great job of convincing my State's ranchers and cattlemen that they have a dog in this fight. And I'm saying to you you have grossly misled them, my colleague.

Mr. STENHOLM. Well, if I might reclaim my time and just state that the issue today is terrorism against farmers and ranchers and biomedical and animal research facilities. That's all we're talking about. And these well-meaning individuals that we have out here—and I agree that they are there—it's a handful of folks who break the law that cause the problem for all of us. We would not have a disagreement at all if everybody was not participating in terrorist activities.

Mr. ROSE. But in your haste to find something to fight, you are going to get city Congressmen angry at farmers and their legislation, and we don't need that.

Mr. BROWN. The Chair would like to save the rest of this debate for the mark up on these bills.

Mr. Grant.

Mr. GRANT. Mr. Chairman, thank you.

Everything that needs to be said has already been said. I just hadn't had a chance to say it.

In the interest of the time constraints we're under, I may submit a statement for the record later.

Mr. BROWN. Without objection, so ordered.

Mr. Olin.

Mr. OLIN. Mr. Chairman, thank you.

I'm not going to get in the middle of this issue. I don't really care whether we've got one issue or two issues or three issues. I'm very pleased that you're having this hearing, and I think we're going to get some good out of it.

Thank you.

Mr. BROWN. Thank you, Mr. Olin.

Mr. Walsh.

Mr. WALSH. Mr. Chairman, I'd like to ask your permission to do as Mr. Grant did, and perhaps submit a statement for the record.

Mr. BROWN. Without objection, that will be the order.

Our distinguished ranking minority member of the subcommittee is recognized.

Mr. ROBERTS. I do think that there needs to be said that there is a difference between some animal rights groups who unfortunately do endorse and have taken part in what we call terrorist activities and animal welfare groups who are interested, as we all are, in the humane and caring treatment of animals. There is a distinction. I think that's the purpose of this hearing, to determine what we can do from a Federal law enforcement standpoint to coordinate with State and local law enforcement agencies to see how we can correct that.

I am eagerly awaiting the testimony of the panels, and I thank the Chairman.

Mr. BROWN. Thank you very much, Mr. Roberts.

We will now call Mr. Paul Maloney, the Deputy Assistant Attorney General, Criminal Division, Office of the U.S. Attorney General.

We welcome you, Mr. Maloney.

I think you should know that the committee has had circulated to it a letter from Dr. Bromley and Dr. Wyngaarden in the Office of Science and Technology Policy which says they object to the position of the Department of Justice. I don't want that to catch you by surprise.

Mr. MALONEY. Well, Mr. Chairman, it does. I was unaware of that letter.

Mr. BROWN. The clerk will make sure you have a copy of the letter.

Mr. MALONEY. Thank you.

Mr. BROWN. We just saw it ourselves this morning.

Mr. MALONEY. I should state, Mr. Chairman, that my statement that I have forwarded to the committee was cleared by the Office of Management and Budget through the regular channels.

Mr. BROWN. I suspect Dr. Bromley hasn't had his cleared yet by OMB. Please proceed with your statement.

STATEMENT OF PAUL L. MALONEY, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

Mr. MALONEY. Thank you, Mr. Chairman.

With your permission, I'd ask that my full statement be placed in the record, and I will summarize my remarks for you in the interest of time.

Mr. BROWN. Without objection, the full statement will appear in the record.

Mr. MALONEY. Thank you, Mr. Chairman.

Thank you for inviting me to appear here today on behalf of the Department of Justice to discuss the animal research facility protection.

At the outset, let me state emphatically that the Department of Justice shares the concern of the subcommittees and of the research community and others about the attacks committed against animal research facilities and their personnel.

The Department is committed to doing its part to ensure that persons who commit such acts are brought to justice and appropriately punished. In fact, the effort of the Federal Government in this regard is ongoing, in cooperation with State and local authorities.

As you know, however, the Department has recommended against the enactment of new legislation to combat illegal acts of research facilities. It is with reluctance that the Department takes this position, for, as I have said before, the Department is sympathetic to the problems faced by research facilities and scientists who have been the victims of criminal acts and harassment.

However, despite our sympathy to the aims, the Department cannot endorse the creation of new Federal criminal legislation which, in our view, would add nothing to the prosecution of these types of offenses. Indeed, enactment of this kind of proposal might serve only to raise the hopes and expectations of the research community to unrealistic levels.

The Department's position is grounded upon several considerations. First, to the degree that this type of legislation proposes to punish attacks on federally funded research facilities which involve significant theft or damage or loss, it merely duplicates present provisions of title 18 of the Federal Criminal Code.

Second, to the degree that this type of legislation proposes to reach less egregious conduct such as vandalism, it would constitute an unnecessary extension of Federal prosecutive power into a class of offenses traditionally prosecuted by State authorities.

Resources at the Federal level as well as the State level are limited in view of the emphasis that has been placed on other high priority items such as drugs, organized crime, white collar crime, financial institution fraud. The exercise of prosecutorial discretion in theft and destruction offenses is essential and necessarily results in a limited Federal role in those circumstances.

However—and let me emphasize—this does not mean that we consider these offenses trivial or that a Federal court is not a proper forum for prosecuting some of the attacks on research facilities that have occurred. In fact, some of the members have already referred to some of the more egregious ones where massive damage has in fact occurred.

Where an offense involves a great deal of damage or appears to be related to other types of offenses, Federal involvement is obviously appropriate.

In conclusion, Mr. Chairman, let me say that I appreciate the frustration the members of the research community must feel over these incidents. Like the victims of any crime, they, quite understandably and justifiably, want the perpetrators apprehended and punished. I can only agree, and promise the Department of Justice will continue to do its part to see that this occurs. Only vigorous enforcement of the criminal law at the State and Federal level will assist in eliminating these despicable acts.

This concludes my statement, Mr. Chairman. I'll be happy to answer any questions the committee may have.

[The prepared statement of Mr. Maloney appears at the conclusion of the hearing.]

Mr. BROWN. Thank you very much, Mr. Maloney.

Let me just ask one question before turning to my colleagues. One of the contentions frequently made in connection with these cases of laboratory break-in and vandalism is that they seem to be, or there's some indication that they might be coordinated on a central multistate basis. Something in the nature of, let's say, a widespread conspiracy. And that under these circumstances it may be that the most effective and possibly even the only recourse is Federal statutes where it might involve the participation of people who come from and go back to a different State.

Could you comment on the validity of this argument in support of the legislation?

Mr. MALONEY. Mr. Chairman, I think your question really raises two issues. First, assuming for the sake of the question that there is Federal interstate involvement by the perpetrators of these offenses, when should the resources of the Federal Bureau of Investigation be allocated to these types of offenses?

The answer to that is as information is garnered that it is of interstate nature, then the Federal interest becomes greater obviously. And it might be appropriate under those circumstances to allocate resources of the Bureau to investigate crimes which may be initially investigated by a State or local law enforcement agency.

The second part, it seems to me, of your question is whether new Federal statutes are necessary to meet this interstate threat. The position of the Department is that the statutes presently on the books cover the types of activities that up to now have occurred in terms of arson and burglary. We do have statutes presently in the Code that would cover these offenses.

So I think it's a two-part answer. You've got the allocation of investigative resources, as well as do we have the statutes available to us to prosecute these. And as far as the statute is concerned at least at this point, we believe that we do.

Mr. BROWN. Mr. Stenholm.

Mr. STENHOLM. Communication with local and State law enforcement authorities has voiced continued frustration over the inability to subpoena witnesses and information that crosses State lines and surfaces shortly after an incident of a break-in occurs.

Could you address this problem, as well as make specific suggestions for correction?

Mr. MALONEY. Mr. Chairman, you are quite correct that we recognize it to the extent that this activity may be concerted across State lines. Obviously a local police department has limitations in

terms of trying to connect an offense that occurs in Texas, for example, with an offense that may have occurred in another State.

And to the extent that that type of activity is occurring, then the Federal interest does increase. And in the appropriate circumstances the Bureau would allocate resources.

I come from a State, in terms of subpoena power, Congressman, I come from the State of Michigan. I was a State prosecutor for 14 years. State prosecutors in Michigan do not have subpoena power.

The subpoena power of the Federal U.S. attorney can be useful in those situations where there is a sufficient mutuality of interest in the investigation of the case. But, as I said, as the focus becomes more of an interstate situation rather than just an isolated incident, then, as I said in my statement, I think the Federal interest is increased and the allocations of the investigating agencies of the Federal Government are implicated.

Mr. STENHOLM. Now your agency, along with the FBI, does collect some data and intelligence related to animal facility break-ins, as you've already stated. However, experts in the field of protection suggest a need for a larger data bank to observe trends and frequencies on incidents.

Would your agency be able to accommodate this?

Mr. MALONEY. Mr. Chairman, the UCR, which is the Federal Bureau of Investigation's data base, utilizes the voluntary cooperation of approximately 16,000 State and local agencies to report their numbers to the Federal Government for purposes of issuing the crime report.

Historically the FBI report has concentrated on what are called index crimes, which are broadbrush general categories of offenses such as burglary, arson, forcible rape, murder and nonnegligent manslaughter, just to name several. There are eight categories.

Historically the Bureau has not broken down those categories into subcategories. For example, in the forcible rape area, as I understand it, there is not a breakdown of subset counting.

In terms of tracking these, the Bureau has not historically done that. They have concentrated on the broadbrush general categories of offenses rather than centering in on one particular type of offense, based really on the motivation of the offender, which is sometimes—at least at the time perhaps that the data is being collected—that is, at the time of the initial offense and the offense is categorized by the initial responding officers—they may not know what the motivation of the offender was, and, therefore, it would be difficult to segregate out, if you will, for purposes of counting nationwide, these types of offenses.

Mr. STENHOLM. We've had legislation in the last year or so on so-called hate crimes in which individuals move from county to county, State to State, where crimes are committed against fellow citizens. Are you beginning to collect data on those.

Mr. MALONEY. That's correct.

Mr. STENHOLM. Is there a similarity between what we're talking about today and the hate crime?

Mr. MALONEY. I think there is a similarity. I think the historical data on hate crimes as it related to interstate involvement caused the Congress to mandate that we count those crimes.

At this point in time, to date, we have not counted the other ones. But I concede that there is a similarity between the counting and keeping track of the hate crimes and these types of offenses.

Mr. STENHOLM. I'll have a few other questions in a moment.

Mr. BROWN. On that last point, Mr. Maloney, did it require separate congressional action for the Department of Justice or the FBI to categorize the hate crimes?

Mr. MALONEY. It's my understanding that we began to keep track of those numbers, Mr. Chairman, as a result of congressional action. I believe I'm correct when I say that.

Mr. BROWN. Mr. Roberts.

Mr. ROBERTS. Yes, Mr. Chairman. Thank you.

I'd sort of like to continue on the same track if I can.

You've got, obviously, very limited resources and manpower, and a great many other missions to perform without question. In terms of priority I'm not sure that this rates very high in the laundry list of things that you obviously must do. Then it would follow that if activist activity in a criminal area were made a Federal crime that the Department of Justice then could devote some manpower and some resources in the same manner. Not to overshadow the other efforts, but rather to give it the priority necessary based upon the incidents.

Let me ask you, can you walk me through the process through which the Department gets involved in an incident. Do you do that on your own independent decision, or do you get involved through an invitation through the State or local authority—or what?

Mr. MALONEY. It can occur in several ways, Congressman. Usually in these types of incidents, unless the incident occurs at a Federal enclave, Federal building, the initial responders are from the State and local law enforcement. And the initial investigation of an incident would be done by them.

Then if the State and local law enforcement officials wished to utilize the resources of the Federal Bureau of Investigation then they would contact them.

Similarly, if there was an incident in a particular Bureau district where the Bureau, and based on the intelligence that it has, infers that this incident that occurred in their district, investigated initially by the State and local authorities, was connected to some other incident occurring either in that particular district or perhaps in another State, then I'm certain that the Bureau at the district level would contact the State and locals and offer assistance and offer the information to the State and local government that they had in order to coordinate the effort and investigation.

Mr. ROBERTS. The situation in Nevada where you originally thought it was a random act of vandalism against some rather remote ranches out there, but now is considered to be part of a directed program against the livestock industry—Mr. Stenholm and I were out to the National Cattlemen's Association meeting, and they are terribly concerned about this from a conspiratorial standpoint, for example, that there is central planning, a directed effort, interstate lines, and so forth. Are you going back over those kinds of incidents and trying to determine again whether there is a national pattern of activity involved in this?

Mr. MALONEY. Well, our effort in this area is ongoing. And obviously part of the process would be to take the incidents which are occurring across the country which come to our attention and see if there are any connections between them.

Mr. ROBERTS. Well, the point I'm trying to make is the distinction between the point that I think my colleague from North Carolina was making on behalf of the animal welfare community, as opposed to those who involve themselves in what we call a terrorist activity.

Now terrorist is a buzzword, and that's going to raise the blood pressure of everybody involved. I don't know of a better word when you describe the activities of those folks. But if in fact there is a national pattern we do need Federal involvement because you're looking at the availability of the cures and the treatments for disease, which is a Federal responsibility, you are looking at lost Federal research dollars which are hard to come by and what this subcommittee must deal with, you're looking at the availability and the quality and the safety of food, and you're looking at the overall effect on interstate commerce.

And so I guess the point that I'm trying to make is that we are trying to separate between those—what Mr. Rose has described as a problem with the local chicken farmer and the high school kids, I guess, across the street, or whatever, as opposed to some planned activity here by some very zealous individuals who are very misguided but who, through their activities, are jeopardizing many Federal missions and entities, not to mention personal property and even human life.

What is your biggest problem in dealing with a local jurisdiction?

Mr. MALONEY. I can perhaps elaborate on my experience as a local prosecutor. I felt that the State and local law enforcement agencies that I had jurisdiction over, if you will, worked very well with the Federal Government and the Federal Bureau of Investigation. I think the tone for that cooperation gets set in each individual district. I'm certain that a representative of a local police agency would perhaps elaborate on problems that they've had with a Federal investigative agency from time to time. But in any event—

Mr. ROBERTS. I didn't mean to ask you such a generic question. That was probably unfair. You know, not to discuss American history since 1865, or whatever. I'm just saying in relation to the point I'm trying to make here—to try to tie this together to determine whether or not we need more Federal involvement.

Mr. MALONEY. I'm afraid I'm not tracking with you, Congressman.

Mr. ROBERTS. Well, again, I'm trying to go back to the basic point that—I guess what I'm trying to say is that when you receive information from the local jurisdiction do you immediately tie that in to some kind of a modus operandi, or whatever you want to call it here, to determine whether or not it does fit into this national pattern?

Mr. MALONEY. I would indicate to you that if there is an incident of this type—and the fact that the committee is holding these hearings has certainly heightened the sensitivity of the Department to these issues—to the extent that the Federal agency believes that

there might be a connection across State lines, or a Federal pattern, I am certain that the Federal agency would initiate the contact with the initial State or local law enforcement agency to indicate that there might be a pattern here and request the cooperation of the State and local law enforcement agency in the investigation.

My experience has been—at least the limited one that I had in the western district of Michigan—that that system works very well.

Mr. ROBERTS. That's exactly what I was driving at. I think I'll yield back at this point, Mr. Chairman.

Mr. BROWN. Mr. Rose.

Mr. ROSE. If there is a pattern of threats or of break-ins that occur across State lines, and the people involved are the same, the Federal Government has a right to get involved in those situations, does it not?

Mr. MALONEY. Certainly, Congressman, to the extent that the activity is across State lines, the Federal interest is implicated. Certainly.

Mr. ROSE. Exactly. And the situation that Mr. Stenholm described about the researcher who was threatened and whose laboratory was broken into is certainly a reprehensible act, and it is certainly one that should be stopped either at the Federal or the State level.

If this was a labor dispute, if there was a strike by a labor union and there was some activity of vandalism or threats along the lines that Mr. Stenholm described, don't we have Federal statutes that bring the Federal Government into a labor dispute? A strike that has elements of destruction of property?

Mr. MALONEY. Congressman, I'm not familiar with those statutes in terms of the jurisdiction of the Federal Government in those instances. I'm afraid I can't directly respond to that question.

Mr. ROSE. Well, my recollection may be even as fuzzy as yours on that, but I believe that there are situations in which we have passed laws that give the Federal marshals, that give the FBI some responsibility when there is a strike or a labor dispute and property damage is a result.

Did I hear you tell Mr. Roberts that any good local law enforcement officer or any local prosecutor would have the support of the FBI in making contacts across State lines, if the evidence in the case warranted it?

Mr. MALONEY. If the evidence in the case warranted it, the Bureau does cooperate with and is in fact cooperating with local and State law enforcement agencies on these cases. Yes sir. Given the factual predicate of your question.

Mr. ROSE. It's clear that the Federal Government has an interest in so-called terrorist activities; is that correct?

Mr. MALONEY. Absolutely.

Mr. ROSE. And what would your feeling be if the definitions under that statute were somehow changed to include the situation that Mr. Stenholm described?

Mr. MALONEY. Congressman, we don't have a terrorism statute, per se. The general working definition of terrorism that is utilized is the unlawful use of violence or force against persons or property

for the purpose of intimidation or coercion to move either the Government or individuals to move in a particular direction for political or social reasons. That's the broad general definition of terrorism.

We have no terrorism statute, per se. What we utilize is the working definition that I've just given you, and then apply the facts of each individual case to the statutes that exist in the Federal Criminal Code.

Mr. ROSE. But it is possible that a systematic threatening of animal researchers and the carrying out of pieces of those threats in more than one State jurisdiction—in other words, across a State line—could be interpreted to be a pattern of activity that might qualify under your definition?

Mr. MALONEY. It's possible; yes sir.

Mr. ROSE. Well, let me say that I have no sympathy for terrorist activities against laboratories or against farmers and ranchers. I'll just simply restate that my concern is that these are two separate matters, and that the animal, the rancher, and the farmer is not well served by taking on the problems of the biomedical research community. That's a fine point, seems to be a little wasted to make it. But I will support legislation to make sure that terrorist activities are not conducted against farmers or ranchers or against laboratories. But I think we ought to be careful about the image that we give farmers and ranchers when we encourage them in this regard.

Thank you, Mr. Maloney.

Mr. MALONEY. Thank you, Congressman.

Mr. BROWN. Mr. Gunderson.

Mr. GUNDERSON. Thank you, Mr. Chairman.

I don't think this is a direct compliment to you, Mr. Maloney. It's certainly not meant as a criticism. But I have to say that I am pleased with this last letter that we've just received from the Office of Science and Technology within the administration. It is the first time in my 10 years as a Member of Congress where we've had two different agencies within the same executive branch speak out with their different perspectives. I've never understood how we expected competing agencies to always sing out of the same hymn book.

I think it's a breath of fresh air that people with different philosophies within the same administration are going to come forth. I'm just delighted by that, first and foremost.

Mr. BROWN. Would the gentleman yield to me at that point?

Mr. GUNDERSON. Yes.

Mr. BROWN. Since you bring the matter up, I ask unanimous consent to insert the letter in question in the record.

Mr. GUNDERSON. Happy to do so, Mr. Chairman.

[The letter follows:]

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

February 27, 1990

Dear Mr. Murr:

The Office of Science and Technology Policy, Executive Office of the President, objects to the positions that the Department of Justice (DOJ) proposes to take on S. 727, the Senate-passed "Animal Research Facilities Protection Act of 1989," H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989," and H.R. 3349, the "Health Facilities Protection and Primate Center Rehabilitation Act of 1989." We believe the Administration should support enactment of these Bills, or some synthesis of them.

Basic research on animals is a fundamental component of activities supported by many Federal agencies. Animal research is critical to research which benefits the health of human beings and of animals alike, and in ensuring the safety, efficacy, and quality of pharmaceutical and biological agents used in the practice of human and veterinary medicine. The vitality of our pharmaceutical, biotechnology, and agricultural industries depends upon continued high-quality animal research conducted in conformity with regulations and guidelines covering that research. This research is of immense value to the welfare of the citizens of this country and the Federal government must ensure that the environment in which such research is conducted, and the persons pursuing such research, are free from threats of violence, intimidation, and debilitating distractions.

Public opinion polls have repeatedly shown that the American people support the humane use of animals in biomedical research. Nevertheless, a small component of the population opposes the use of animals in research or product testing, and appear to be willing to go to almost any lengths to interrupt research activities, intimidate and threaten researchers, conduct unlawful break-ins, commit vandalism, and destroy research property, and needlessly increase the cost of doing research so as to drive more and more researchers out of laboratory work. While some interested parties are no doubt concerned primarily with assuring humane treatment of animals in research, the major organizations identified with "animal rights" have made it very clear that they hope to bring animal research to its knees, and eventually to abolish altogether the use of animals in research.

We have appended what is at best a partial list of break-ins, robberies, and destructive episodes involving research conducted by, or supported by, the National Institutes of Health (NIH), as a document attesting to the growing violence of these activities perpetrated by animal rights groups.

Their advocacy of alternative methods is a smokescreen. NIH and other agencies have for years vigorously pursued the development of alternative methods where they can be used, but they are adjuncts to, and not substitutes for, animal research. The complexities of

integrated biological systems can only be studied in animals. Very few can be studied in the human being without prior studies in animal tissues and whole animals.

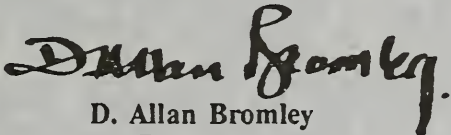
The passage of national legislation would constitute a powerful statement that this country will not tolerate illegal and violent acts by opponents of animal research. It would strengthen the resolve of scientists to go forward with their essential work. It would encourage young people to enter research careers, who may now be deterred by the daunting prospect of endless psychological warfare with animal activists, and the ever-present prospect of the destruction of their life's work by a night of violence.

The Federal law would also greatly strengthen the hand of the Federal Bureau of Investigation in entering cases that now are chiefly dealt with at the local level, with varying degrees of effectiveness. The animal rights movement is a national movement, with considerable circumstantial evidence of conspiratorial behavior. The so-called "Animal Liberation Front" claims to have national membership. Furthermore, within hours of break-ins, thefts, and destruction of laboratories or equipment, an organization known as the "People for the Ethical Treatment of Animals" has videotapes, and issues a press release. The bills under consideration here would strengthen law enforcement in dealing with this growing, well-organized, well-financed, unscrupulous, movement.

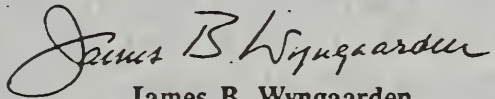
For all these reasons, the OSTP urges that the Administration support enactment of S. 727, H.R. 3270, and H.R. 3349.

OSTP supports DOJ in its opposition to H.R. 3223, the "Animal Welfare Improvement Acts of 1989", which would condone illegal actions by citizens who may contend that such acts are for the purpose of documenting violations of Federal regulation. We should all oppose this "the end justifies illegal means" bill.

Sincerely,



D. Allan Bromley
Director



James B. Wyngaarden
Associate Director for Life Sciences

Mr. James C. Murr
Assistant Director for
Legislative Reference
Office of Management and Budget
Room 7202 NEOB
Washington, D.C. 20503

Enclosure

Mr. GUNDERSON. What I'd like to pursue, however, is the line of questioning that is reflective on your statement. You indicate that you feel for the most part that this whole area of research and prosecution investigation can and perhaps more legitimately ought to be done at the State and the local level. Could you provide this subcommittee with a review of an analysis of State laws in regard to animal research to break-ins, to terrorism in this regard, in terms of what the 50 State laws are, what the penalties are?

I don't know if that has been done or not. But I think it would be very insightful to us as to how States are prepared to deal with this rather new wave of terrorism.

Mr. MALONEY. If I understand your question, Congressman, you're interested in whether any States have promulgated statutes specifically directed to the animal research area?

Mr. GUNDERSON. Yes.

Mr. MALONEY. Because I am aware, and, in fact, have done a little bit of homework on the applicable general statutes such as burglary, for example, in Congressman Stenholm's State of Texas. Burglary of a building of a kind that would normally house this type of research facility is a 20-year felony. It's burglary in the second degree, and it's a mandatory 2-year prison offense. I just happen to point that one out.

So we have done a little bit of that. But that is a general burglary statute.

Mr. GUNDERSON. Yes. That's the problem.

Mr. MALONEY. What we could do is go back and see if there are any States that have promulgated a specific statute to protect these facilities. I'll be happy to check on that and get back to you.

Mr. GUNDERSON. I would appreciate it if you'd not only look at specific statutes, but also if you would look at specific penalties that are included within that statute for a violation. I would appreciate it if you'd also look at what, if anything, has been done within the 50 States in terms of investigative protocols and data collection. Because my gut feeling is that that kind of research will indicate that there is not any kind of systematic approach or response by the States. Second, it will indicate, as I suspect, my own State of Wisconsin—albeit, all the good intentions—simply is not prepared to deal with this kind of investigation.

I think some of my small university animal research facilities—University of Wisconsin has a number of experimental farms, for example. I've got to tell you that these are out in rural Wisconsin, which I want them to be. But I've got to tell you that as much as I support that local law enforcement, a legitimate action or break-in on that farm research facility, if a part of a nationwide conspiracy—and I say "if"—I have to tell you my county district attorney is not at all prepared to investigate and prosecute that type of an incident.

I think that's what we're dealing with here. Which leads me to my second question to you. What standard or level would prompt the Department of Justice to call for Federal legislation and intervention in this whole area of animal research?

Mr. MALONEY. What level would cause us to request a specific statute to protect these facilities?

Mr. GUNDERSON. I understand, I think, that budget and other priorities perhaps prompts the Department of Justice to take the position you've taken today. But what I'm curious about is what level of animal research terrors would prompt the Department of Justice to change their position and say "we have come to the conclusion that there is a legitimate Federal role here"?

In other words, if you came to the conclusion that this was conspiracy on an interstate level, would that then justify, in your opinion, a different response from the Federal Government than exists today where we tend to turn over criminal statute, criminal investigation to the States?

Mr. MALONEY. Again, I think it's important to emphasize the distinction between allocation of investigative resources and the promulgation of a specific statute to remedy a perceived problem.

If I sense your question, you are asking me whether at some point in time the Department would believe that the promulgation of a specific statute would be appropriate. I guess my response to that would be extremely hard to quantify.

The question really would become at some point in time whether we felt that the statute presently on the books did not provide sufficient deterrence to mandate a change. We are obviously not prepared to do that now.

The second part of your question is assuming an interstate or a conspiratorial involvement across State lines, when do we allocate resources of the Federal Bureau of Investigation in these cases. And the answer to that is the more the Federal interest is implicated obviously the Bureau will be involved in these cases.

In the hypothetical situation that you just gave me—and this has happened to me because I came from a semirural county in Michigan, when all my prosecutorial antennae, if you will, were saying "this is just not limited to my county, we have some evidence that they came from Indiana or Illinois", then it would cause me to call either my U.S. attorney or the local Bureau office and say "hey, we have this particular situation, can you help us".

And my experience was that the help of the Federal Government was there when I needed it, and when it was appropriate for the Federal Government to allocate the resources.

Now they didn't always say yes. But they were there in those instances where it was appropriate.

Mr. GUNDERSON. I guess that's where we have perhaps a small philosophical difference. And that is that if there is the potential for a Federal violation in an incident, it is going to send a signal to those local law enforcement investigators and the prosecutors that they can call on the Federal Government for assistance for investigation in a way—I mean, the simple realities of life are that Federal offenses connoted a much more serious offense than State. I don't know if that's justified. But the impression is out there. I think we need to deal with that.

The other area that I'd like to focus on just briefly before I conclude is the whole area of the inability to put value on research. Because, frankly, I have to tell you if every rat in this country were killed I wouldn't sob too many tears about it.

But it isn't rats that we're talking about that we're putting a price tag on. We're dealing with a much bigger investment here,

not only in research money but I think in a level of education conclusions that we have to recognize from a Federal perspective would perhaps justify more than the specific incident of that simple terrorism or that simple theft on that research facility.

I think there, again, we need some Federal assistance and guidance.

Mr. MALONEY. It is true that the statutes, as outlined in my statement, are value sensitive. That is, in a majority of them one of the elements of the offense that the U.S. attorney must prove in court is the value of damage or the value of loss from a larceny, for example, that has been sustained by the victim.

In most cases, what is utilized in the courts is what's called the fair market value of the loss. And in a normal circumstance in a larceny that's easy. When it is an item that goes for retail of x amount of money, a witness comes in and says "well, if we were offering this at retail we would charge \$2,500 for it".

In this context, obviously the fair-market-value standard is not available to us. There is, however, some case law on this subject which talks in terms of intrinsic value of an item or the substantial worth standard. These cases are out of the second and third circuit. They came up in the context, in one case, of pharmaceutical cultures. And in the other case the value being placed on geophysical maps.

And what the court has said is that the court had no problem affixing appropriate value based on testimony produced. However, to the extent that other people may have some input on this issue, the Department is willing to listen to suggestions that might go about to address this problem. Because it is one where the fair-market-value standard just doesn't fit. But there is some case law out there to assist us.

Mr. ROBERTS. Would you yield on that point?

Mr. GUNDERSON. Be happy to yield.

Mr. ROBERTS. I think that's exceedingly important. We have here the value of an individual lab rat, which is much maligned in terms of all sorts of humorous stories and jokes. I'm not going to tell the one where they were going to substitute lawyers, Mr. Rose, for lab rats. They're of less value, by the way. They're \$1.89.

But at any rate, how are we going to address this? What's your advice in regard to the value of the information involved here if in fact through some kind of act of violence—use the example of the lab rat. You know, that particular experiment may be absolutely crucial to this Congress trying to determine what is a negligible risk in regard to our food safety question. And it's extremely valuable.

I don't know how you quantify that to the general public. If it appears in the USA Today newspaper perhaps it doesn't mean that much. But to this subcommittee it might be a very key part of the research effort that allows us to do our deliberations to determine the safety of the food supply.

I'm really puzzled as to how we get at that.

Mr. MALONEY. Clearly, Congressman, the fair-market-value standard, as I've indicated, doesn't work. The question then becomes what substitute proof can be put in.

In the case referred to earlier, the geophysical maps, what the court accepted was that the ideas or the information contained on the maps had value. The defense argued in the case that, well, this was a Xerox copy of a map and, therefore, when it was stolen it had the value of that one piece of paper.

The court accepted the premise that the value of that map was in some part gauged by the value of the ideas that were contained.

Mr. ROBERTS. So you think that's a precedent that's should be followed in this regard?

Mr. MALONEY. That it's helpful; yes.

Mr. ROBERTS. It is a helpful precedent.

Mr. MALONEY. That's correct.

Mr. ROBERTS. Thank you.

I thank my colleague.

Mr. ROSE. Would the gentleman yield? May I ask Mr. Roberts one question.

Mr. ROBERTS. I don't have the time; and I always live in mortal fear of the gentleman's question. But I'd be delighted to respond, if I can.

Mr. ROSE. The problem here is similar to one that exists in stealing computer software. If you press this stuff too far, you're going to establish some tremendous value per rat—which is not going to bother NIH because they don't pay property taxes, but they're going to love you up in Michigan at Dow Chemical when you have established a \$10,000 per rat value and the local county assesses property taxes for that. That's the other side of this little thing.

Thank you.

Mr. BROWN. Mr. Volkmer.

Mr. VOLKMER. Thank you, Mr. Chairman.

I'd like to continue just a little bit on the discussion the gentleman from Wisconsin had, to try and maybe focus a little bit more on what I call the importance of research. I'd just like you to envision right now this country and this world without vaccine for polio, influenza, rabies, tetanus, diphtheria, whooping cough, no insulin for diabetics, no radiation or chemotherapy as we know it today.

Now envision that and see what human suffering we have; what animal suffering we have without rabies vaccinations and those types of things.

But that's what I'm looking at if we see a continuation of what we're seeing happen today at our research centers. I'm seeing the destruction of research into continuation of additional health care for not only humans but for animals.

Now that's very important to me. And maybe we need to focus on that importance.

It bothers me a little bit to listen to you, because it appears to me that the Federal Government as far as law enforcement—Department of Justice, FBI—really has not seen that importance.

Let me ask you this. If tonight when nobody is in it, a bomb went off in the Department of Justice—nobody was hurt, but you had 4 million dollars' worth of damage—how many FBI agents would be on the scene, especially if you suspected an Iranian terrorist?

Mr. MALONEY. A large number, Congressman.

Mr. VOLKMER. Yes, you would. But if a bomb went off at a research center somewhere here in the United States and blew up a building and no human was hurt, how many FBI agents would be there?

Mr. MALONEY. Initially, Congressman, probably none.

Mr. VOLKMER. That's correct.

Mr. MALONEY. However, what I would hope would happen, and what in fact has occurred, is that if the investigation leads to the fact that there is some interstate involvement or conspiratorial effort across State lines, the Bureau's resources are implicated.

Mr. VOLKMER. Now let me ask you this. I have read the testimony of one of the witnesses who will appear after you, and I want you to respond. Because when that person investigated—and he was an investigator of an incident that occurred in one of our research centers here in the United States—according to his testimony, and I don't know if it's just on that case or one other case, there was only one FBI agent involved. No central reporting system for all these incidents that have occurred.

What about that? How many FBI agents do we have presently involved in investigation of damages done deliberately to our research centers and to our animals and human beings? How many?

Mr. MALONEY. Congressman, allow me to provide that to you.

Mr. VOLKMER. I'd appreciate having that in writing for myself and the committee.

Now the last thing I'd like to get to is—and you can respond to this if you wish, if you don't wish to you don't have to—a viewpoint that I have. The reason I see the importance of the legislation that you say is not necessary.

If you have a conspiracy to commit vandalism, the FBI is not going to get involved, is it?

Mr. MALONEY. Well, just a conspiracy—what type of conspiracy, Congressman?

Mr. VOLKMER. To commit vandalism. Conspiracy to commit vandalism. We're just going to get a bunch of people together all over the United States, and we're going to go out and break some windows or tear up some books and stuff like that. The FBI doesn't get involved in that, does it?

Mr. MALONEY. Not as a general rule. I think that's a fair statement.

Mr. VOLKMER. Yes, I think that's a fair statement.

Well, isn't what we're talking about and what you're saying we have statutes against vandalism in each State so States can prosecute for that. But to me this is a little bit more than just vandalism. It's a little bit more than just arson. I think what the gentleman from Wisconsin and the gentleman from Kansas are getting to, and what I'm trying to get to, is you're destroying something that's more important than just the buildings and the paper and taking away the animals. You're helping to destroy maybe future health care for millions of people in this world.

Now do you understand why I think it's a little different than just arson or vandalism?

Mr. MALONEY. Congressman, I understand. And we are sympathetic to that. And to the extent that the investigation as it devel-

oped implicated interstate involvement, then as the investigation developed the allocation of Federal resources would——

Mr. VOLKMER. You mean you don't find any national conspiracy at the present time? You don't find that there are people involved in California, Arizona, Illinois, Michigan, Pennsylvania, and New York, all in this same effort? You don't find that?

Mr. MALONEY. Congressman, I'm a little reluctant to comment about pending investigations and what we may or may not have. I'm reluctant to comment on the record about that.

Mr. VOLKMER. Well, it appears to me, from your testimony, that you all haven't found any national conspiracy to do this. Maybe we can make that finding. We can pass the legislation and make that finding for you. And maybe we can help you to arrive at the conclusion that this is a serious problem.

It, to me, is just as serious as somebody robbing a bank or a conspiracy to rob a bunch of banks. Do you understand?

Mr. MALONEY. I understand your concerns, sir.

Mr. VOLKMER. Thank you.

Mr. BROWN. Thank you, Mr. Volkmer.

Ms. Long.

Ms. LONG. I have no questions.

Mr. BROWN. Mr. Penny.

Mr. PENNY. No questions.

Mr. BROWN. Mr. Condit.

Mr. CONDIT. No questions.

Mr. BROWN. Mr. Maloney, there was an article which I think you are familiar with in USA Today on Tuesday having to do with a threat to a veterinary dean. There was one who was killed, and the threat was that there would be one killed every month for the next year, which seems a little hard to believe. But, after all, if it's in USA Today it must be reliable.

Without objection, I'm going to put this article in the record.

[The article follows:]

ETHICAL TRAINING OF PET DOCTORS

Veterinary schools weigh animal-rights issues

By Dennis Kelly
and Don Knorr
USA TODAY

The animal-rights movement has led U.S. veterinary schools to reconsider use of healthy animals for research, and introduce courses never thought of 10 years ago, school officials say.

It has been a pitched, highly emotional battle — vet schools say they are responding to concerns of society and increasing numbers of their own students. But many animal-rights activists — who have also targeted use of furs and animal testing for medical studies and cosmetics development — say schools aren't moving fast enough.

"There's a lot of change to be made yet," says Ingrid Newkirk, national director of the Rockville, Md.-based People for the Ethical Treatment of Animals. "These are baby steps being taken."

Among recent changes:
► Students in vet schools are debating animal-rights questions in courses unheard of 10 or even five years ago. Jerrold Tannenbaum, a lawyer, teaches biomedical ethics at Tufts University Center for Animal and Public Policy and has authored a one-of-a-kind textbook, *Veterinary Ethics* (Williams & Wilkins, \$26.95). His book counsels on a vari-



By Jann Van Horne
HORSE SENSE: Jerrold Tannenbaum of Tufts University Center for Animal and Public Policy, with miniature horses Wish and Pal.

ety of issues, and raises questions like: Should the veterinarian heed the wishes of a young couple moving from suburbs to city, who want to put a healthy 2-year-old German shepherd to sleep rather than keep the dog in an apartment?
► Ten years ago, schools would anesthetize a healthy animal and perform surgery just to let students view a functioning heart, with the animal then being destroyed.

"Very few schools still do that," says Dr. Franklin Loew, dean of the School of Veterinary Medicine, Tufts University. "So there is no question that veterinary schools are trying to come to terms with the changing status of animals in Ameri-



BUYUKMIHICI: The veterinarian supports animal rights.

ca," Loew says. But animal activists say whatever gains have been made in improving ethics at vet schools, they're not enough.

Newkirk alleges that one school breaks the wings of healthy pigeons for students to repair, and then destroys the pigeons. She says schools could set up wildlife clinics where students could work on animals that need attention.

She also contends that schools still take healthy cats and subject them to sleep deprivation experiments or new



A dean's death puts all parties on alert

Veterinary schools and animal-rights groups both are on edge this week after an ugly incident in Knoxville, Tenn.
Last Wednesday, the Knoxville County Sheriff's Office issued a nationwide alert saying that the Feb. 8 ambush slaying of University of Tennessee vet school dean Dr. Hyram Kitchen may be related to a splinter group of animal-rights activists.

The alert, based on mail received by the school, reportedly names from Kitchen's colleagues that militant groups had vowed to kill one veterinary school dean a month for the next year. Police have no motive procedures on eyes. And dogs are being poisoned with antifreeze or hair spray. She says students can study from videotapes so that healthy animals no longer have to suffer.

She says veterinary schools could learn from "human" medical schools now using mannequins that bleed and have lifelike skin.
"There are always options," she says. "That's for sure." The debate even has veterinarians divided. Dr. Nedim Buyukmihci, a veterinary professor at the University of California-Davis, is president of the Association of Veterinarians for Animal Rights. The group has criticized the unnecessary killing of healthy animals for

any reasons.
Applicants to veterinary schools have been dropping, but Dr. Billy Hooper, head of the Association of American Veterinary Medical Colleges, says it's not because of students' concerns about mistreatment of animals.

The number of applicants to veterinary schools was 4,200 in 1988, compared to 7,286 in 1980. But numbers of applicants at medical schools — the ones for humans — have been dropping even more as students are spied on by engineers in business or engineering.

Dr. Andrew Rowan, director of the Tufts Center for Animal and Public Policy, traces the furor of today's animal-rights activists back to the 1975 publication of *Animal Liberation* by Peter Singer, an Australian philosophy professor.

"What he did was present a logical and rational argument that animals could suffer as much as humans, and therefore should be given equal consideration," Rowan says.

And because more people are living in cities or suburbs and away from farms, and their animals are enjoying longer life spans, "people are developing bonding relationships with pets that are profound and I think that has altered the way Americans view all animals," Loew says.

Mr. BROWN. But I wanted to ask you if you had any further comments on this particular case, or are you familiar with it?

Mr. MALONEY. I am familiar with the broad outlines of the case. And perhaps, Mr. Chairman, how this case is being handled to this point would perhaps exemplify some of the remarks that I've had.

That case—the initial responder on that case was the Knox County sheriff's department. At this point in time, the motivation of that offense, as I understand it, has not been totally fleshed out. They're viewing all possible motives.

The FBI is in communication with the local sheriff's department on that case, and has in fact offered the enforcement resources of the Department should the local department desire.

That is an example, it seems to me, of the type of State and local cooperation with a Federal agency that I've been addressing during my testimony.

Mr. BROWN. All right. We appreciate that very much. Your testimony has been extremely helpful to us.

Mr. VOLKMER. Mr. Chairman, may I ask one other question?

Mr. BROWN. Certainly.

Mr. VOLKMER. Do you have anything like a clearinghouse or a gathering of data on these various incidents that have occurred in the last several years?

Mr. MALONEY. Congressman, at this point in time we are not counting these cases separately, or keeping track in terms of an accurate count across the country.

Mr. VOLKMER. Nor are you keeping count, then, of possible involvement and who's involved and where it occurred?

Mr. MALONEY. Well, that is somewhat different in that that implicates the intelligence resources of the Department. And to the extent that the Bureau is involved, the Bureau is disseminating the information to the appropriate parties during ongoing investigations.

Mr. VOLKMER. Basically what you're telling me is that if a local law enforcement makes a contact with the FBI, and then you all feel that merits Federal involvement, you would get involved. But otherwise there's no involvement; correct?

Mr. MALONEY. I am told, Congressman, by my colleague from the Bureau that in fact if the case merits the definition of terrorism that there is an analytical center in the Bureau that does in fact track these cases and keep track of them. That's the central repository of the information. I am told there's approximately 120 at this time.

Mr. VOLKMER. Thank you very much.

Mr. BROWN. Thank you very much, Mr. Volkmer.

Mr. Maloney, there are some additional questions which members would like to submit to you in writing. We would appreciate your cooperating in responding to those questions.

Mr. MALONEY. Certainly, Mr. Chairman. I'll be happy to.

Mr. BROWN. We'll be happy to excuse you at this time.

Mr. MALONEY. Thank you.

[The information follows:]

GEORGE E. BROWN, JR., CALIFORNIA
CHAIRMAN

CHARLES ROSE, NORTH CAROLINA
LEON E. PANETTA, CALIFORNIA
CHARLES W. STENHOLM, TEXAS
DAN GLICKMAN, KANSAS
CHARLES HATCHER, GEORGIA
JIM OLIN, VIRGINIA
HAROLD L. VOLKMER, MISSOURI
JIM JOHNS, INDIANA

E. (KIKI) DE LA GARZA, TEXAS
EX OFFICIO MEMBER

WILLIAM A. STILES, JR.
STAFF DIRECTOR

**U.S. House of Representatives
Committee on Agriculture**

**Subcommittee on Department Operations,
Research, and Foreign Agriculture**

Room 1301, Longworth House Office Building
Washington, DC 20515

PAT ROBERTS, KANSAS
RANKING MINORITY MEMBER

E. THOMAS COLEMAN, MISSOURI
SID MORRISON, WASHINGTON
FRED GRANDY, IOWA
JAMES T. WALSH, NEW YORK
EDWARD R. MADIGAN, ILLINOIS
EX OFFICIO MEMBER

JOHN J. AGUIRRE
MINORITY CONSULTANT

March 5, 1990

Paul Maloney
Deputy Assistant Attorney General
Criminal Division
Office of The U.S. Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Maloney,

Thank you for your testimony at the February 28, 1990 oversight hearing on animal facility protection. As follow-up I am requesting that you address several questions related to your testimony and that which was given subsequently. I have enclosed copies of the written testimony along with a copy of the letter from the Office of Science Technology Policy to the Office of Management and Budget.

- How would you respond to Dr. Bromley's statement that "the Federal law would also greatly strengthen the hand of the Federal Bureau of Investigation in entering cases that now are chiefly dealt with at the local level, with varying degrees of effectiveness"?

- During your testimony you referred to criteria which must be met before the FBI would consider investigation into a case. Besides the obvious evidence of interstate involvement and/or violation of a federal statute, what other determinants are used to involve the FBI in an investigation? Be specific.

- Have there ever been situations where a U.S. attorney's prosecutorial discretion to not involve the FBI in an investigation has been overridden? Please be specific.

- How would the Federal Bureau of Investigation follow-up on a case where the U.S. attorney felt there was not sufficient priority to investigate a crime on the federal level?

- During the question period of the second panel all witnesses agreed that there was a definite need to increase the ability to apprehend suspects by increasing the tools of apprehension. This was further clarified with the following recommendations:

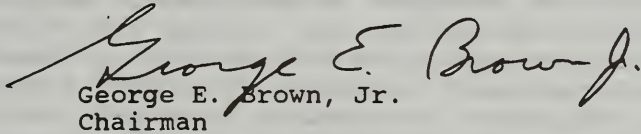
- Development of a centralized data bank accessible to both public and private security forces
- The use of this data bank to track break-in crimes and develop patterns modeled after the FBI's bomb tracking system
- A commitment from the FBI to monitor all animal facility break-in activity and provide the expertise needed in these cases which is lacking on the local level
- To assist local and state law enforcement authorities with broader subpoena power

How would you respond to these recommendations?

- What criteria would have to be present in legislation to force involvement of both the Department of Justice and the Federal Bureau of Investigation in crimes of a less egregious nature?

I would appreciate your responses to the above questions by March 30, 1990.

Sincerely,


George E. Brown, Jr.
Chairman

GEB:mak
enc.

cc: Monte Strait, Federal Bureau of Investigation



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 25 1990

The Honorable George E. Brown, Jr.
Chairman, Subcommittee on Department Operations
Research, and Foreign Agriculture
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your March 5, 1990 letter to Deputy Assistant Attorney General Paul L. Maloney. In your letter you thanked Mr. Maloney for his testimony on February 28, 1990, on the issues raised by animal research facility break-ins, and posed a number of follow-up questions.

At the outset we wish to emphasize the Department's condemnation of the criminal activity at issue. The kinds of offenses that are being perpetrated by these individuals are not only destructive to the research effort, but they are dangerous to human life and extremely destructive to property. The Department's reluctance to agree to new, special criminal sanctions to curb this activity is in no way to be construed as a belief that this criminal activity is not serious or deserving of a harsh response. The Department completely supports strict enforcement of the law against these individuals, and would support changes in existing law to remedy problems in valuing damage to destroyed or delayed research in federal criminal law. Some preliminary efforts have been made in this direction among the concerned agencies, and the Department believes that this is a promising approach.

You ask for the Department's response to a statement to the effect that a new federal law would strengthen the hand of the Federal Bureau of Investigation in entering cases that now are chiefly dealt with at the local level. The Department continues to believe that new federal law is not necessary, as we testified on February 28, 1990. The Federal Bureau of Investigation has never, to our knowledge, had to refrain from entering a laboratory facility case because there was no statutory basis for its involvement. It may decline to investigate a case because it believes that the case will not meet the prosecutive guidelines of the local United States Attorney, but this has nothing to do with the adequacy of the applicable federal law. We note that no panelist identified a single instance in which the Federal Bureau of Investigation declined to enter a case because there was no statutory basis for it to do so. We believe that adequate federal

- 2 -

criminal jurisdiction already exists to investigate violations appropriate for a federal response.

You ask the Department to identify the criteria which must be met before the Federal Bureau of Investigation investigates a case. As you know, when the Bureau has evidence of a federal violation within its investigative jurisdiction, it approaches the local United States Attorney and discusses the case with the prosecutor. The prosecutor then decides whether further investigation should be authorized. Prosecutive policies vary from district to district, but they always account for factors such as the likelihood of identifying the perpetrator, the strength of the evidence that an offense was committed and that an identifiable defendant did it, the amount of damage that was done, and whether the case has sufficient jury appeal to make a conviction likely. Such prosecutive decisions are also influenced by the belief that criminal acts do not necessarily need to be prosecuted in federal court to be effectively prosecuted, and that in many cases, the offender can be punished more severely under applicable state law than under federal law. State prosecutive authorities have had considerable experience and success in prosecuting the serious common law felonies, and the Department believes that they would be similarly successful in appropriate cases of this type. We are somewhat puzzled by the statement of the Assistant Chief of Police at the University of Arizona that "federal help was extremely limited" at the University of California at Davis arson. This case is currently being investigated by the Bureau; we do not understand why it is said that federal help was extremely limited.

You ask whether there have ever been situations where a United States Attorney's prosecutorial decision not to involve the Federal Bureau of Investigation has been overridden, and you ask the Department to identify specific instances. We must respectfully decline to answer this question with the specificity you are requesting. There have been a very few instances in which the Department has asked a United States Attorney to reconsider a decision to decline a case, but these have been such singular events that we do not believe that the handling of those cases would provide any guidance in resolving the problems at hand.

You ask how the Federal Bureau of Investigation might follow up on a case where the United States Attorney had declined to go forward. The Bureau would not normally follow up on such cases. The decision that the case is not sufficiently important to warrant federal treatment normally concludes all federal involvement in it. In the occasional case in which subsequent investigative developments warrant a second review by the United States Attorney, that of course can be done.

You ask for the Department's response to the view of the panelists that there is a need to "increase the ability to apprehend suspects by increasing the tools of apprehension." Four

- 3 -

recommendations were made in this area. To be sure, more resources generally buy a higher level of law enforcement success. But whether being pursued federally or locally, burglary-type offenses have always had a comparatively low rate of solution. (The difficulties in apprehending perpetrators are alluded to by some of the panelists.) For this reason, we believe that the increase in resources that would be needed to solve more of these offenses is likely to be unacceptably high. With respect to the four recommendations, our views are as follows:

First, a centralized data bank accessible to both public and private security forces is suggested. The Department does not see what this would accomplish. The Public Health Service has collected some statistics, albeit unofficially, and the Bureau has begun to collect some statistics. There are substantial difficulties with having a data bank that is shared by law enforcement and private police forces. Much of the data collected by official law enforcement sources must be kept confidential to be useful; other data must be kept confidential by law.

Second, the use of this data to develop patterns modeled after the FBI's bomb tracking system is suggested. Again, we do not believe this is necessary. Further, we do not see where the line might be drawn between trivial and more serious break-ins. While some bomb-related activities are more dangerous than others, bombs are inherently dangerous and bombs and bomb threats are always serious; by contrast, research facility break-ins, though certainly a cause for concern, are simply not in the same category of dangerousness and should not reflexively receive the same sort of treatment. Also, we note that one panelist proposed that a computerized data bank be created to "monitor the activities of groups involved in these break-ins." The Bureau's criminal investigative and counterterrorism mission is two-fold: first, to detect and prevent violations of law, and second, to apprehend for prosecution those who do violate the law. The Bureau does not monitor the activities of groups for the purpose of policing conduct, and it could not do so without violating constitutionally protected rights.

Third, a commitment by the FBI to monitor all animal facility break-in activity and to provide expertise which is lacking on the local level is suggested. Again, we do not think that the panelists have demonstrated a real need for this sort of monitoring by the FBI nor is it appropriate for the FBI to monitor every local violation. Moreover, the FBI already provides the assistance of its forensic laboratories to local law enforcement agencies which request it. In addition, the FBI will be including information concerning this kind of "special interest" terrorism in its forthcoming Terrorism in the United States. This publication is distributed to about 12,000 State and local law enforcement agencies and will be a vivid demonstration of the importance we attach to animal research facility-related crime.

- 4 -

Fourth, broader state and local subpoena power is suggested. This is a matter for the state legislatures, not for federal legislation. States can enter into compacts to honor each others' subpoenas to a greater degree if they wish.

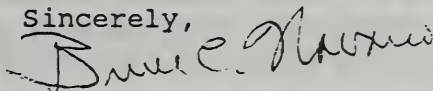
Finally, you ask what criteria would have to be present in legislation to force involvement of both the Department of Justice and the Federal Bureau of Investigation in crimes of a less egregious nature. We believe that such legislation is unnecessary because the Department and the Federal Bureau of Investigation share the view of Congress that appropriate offenses against research facilities can and should be prosecuted federally. Such legislation would also be inappropriate because the decision to investigate and prosecute offenses is constitutionally committed under our system to the executive branch. United States v. Nixon, 418 U.S. 683, 693 (1974).

At the oversight hearings, Congressmen Gunderson and Volkmer posed questions about state law and data collection which the Department agreed to research. The research into these points is now being conducted and we hope to be able to respond to these questions soon. As we mentioned above, the Department is giving consideration to the particular problems posed in valuing research animals or half-completed research, with an eye toward making it easier to fairly appraise the loss of such material for purposes of federal criminal law.

In conclusion, Mr. Chairman, we want to thank you for raising these important issues in your subcommittee. Your hearings have been instrumental in increasing the public's awareness of the offenses that are being committed by dangerously misguided persons and organizations against those conducting research that is essential to the health and welfare of the Nation. We at the Department of Justice stand ready to assist in this critical effort.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,



Bruce C. Navarro
Acting Assistant Attorney General



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

APR 10 1990

April 3, 1990

Honorable George E. Brown, Jr.
Chairman, Subcommittee on Department
Operations, Research, and Foreign Agriculture
Committee on Agriculture
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in further response to your letter of January 10, 1990, concerning the need for additional authority to prosecute the perpetrators of laboratory facility break-ins.

We are keenly aware of the increasing number of acts of theft and destruction that are being committed against research facilities, and we join with the sponsors of this legislation in condemning these acts. In our judgment, the activities of those who are engaged in the so-called "liberation" of laboratory animals recklessly endanger the public and the animals they profess to liberate. They risk public health through the possible release of dangerous disease agents, and they cause the duplication of essential research which, in turn, causes the use of still more animals. However, we have been advised by the Department of Justice that existing Federal, State, and local laws are adequate to protect against such unlawful activities. We defer to the Department of Justice regarding the adequacy of the enforcement of these laws or the penalties imposed thereunder.

We do not believe additional legislation is necessary to regulate the use of farm animals in biomedical research because these animals are already subject to the Animal Welfare Act (AWA). The Department has not heretofore devoted substantial compliance resources under the AWA to the regulation of farm animals used for these purposes. However, we are planning to increase our regulatory efforts with regard to these animals and have prepared a notice to this effect for publication in the Federal Register.

The Department of Agriculture does not maintain data on laboratory facility break-ins. We believe the Department of Health and Human Services' National Institutes of Health may maintain such information. We understand they may have already provided this information to you.

We thank you for the opportunity to comment.

Sincerely,

Jo Ann R. Smith
Assistant Secretary
Marketing and Inspection Services

Mr. BROWN. We next have, Dr. William Raub, Acting Director of NIH, accompanied by Dr. Charles McCarthy, director of the office of protection from Research Risks; Mr. John Nakamura, Washington representative to the California Department of Food and Agriculture; and Joan Arnoldi, Doctor of Veterinary Medicine, Deputy Administrator, Regulatory Enforcement and Animal Care, from APHIS, U.S. Department of Agriculture.

At this point I'm going to turn the Chair over to my distinguished colleague, Mr. Stenholm, chairman of the Livestock, Dairy, and Poultry Subcommittee. He will chair the subcommittees for the next period of time.

Mr. STENHOLM. Dr. Raub.

STATEMENT OF WILLIAM F. RAUB, ACTING DIRECTOR, NATIONAL INSTITUTES OF HEALTH, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ACCOMPANIED BY CHARLES MCCARTHY, DIRECTOR, OFFICE FOR PROTECTION FROM RESEARCH RISKS

Mr. RAUB. Mr. Chairman, we appreciate the opportunity to testify this morning.

I have a prepared statement that, with your permission, we will submit for the record. I'll only highlight it.

Mr. STENHOLM. Without objection.

Mr. RAUB. We welcome this opportunity to express our concern about the extent to which research funded by the U.S. Public Health Service agencies has been interrupted by crimes perpetrated against animal research facilities. We welcome congressional interest in the impact of unlawful raids on animal facilities and threats to scientists in the name of protecting animals.

It is imperative that together we raise public consciousness on this issue and, in doing so, assure scientists that as valued contributors to society they deserve protection, not indifference.

My colleagues throughout the biomedical research community and I view such unlawful protests by animal rights extremists as beyond the tolerance of a civilized society.

Not only are these terrorists threatening the rights of scientists to work without intimidation, but also, and more importantly, they are endangering the future health of the American people.

As the principal health research agency in the world, the National Institutes of Health supports a large number of projects involving laboratory animals. Simply put, the NIH could not fulfill its mission to improve human health without such animal studies.

The medical advances that have brought freedom from disease and suffering to millions of human beings have only been realized because, among the other array of research techniques, research with laboratory animals was possible.

Moreover, the greatest advances in biomedicine lie before us—but if, and only if, scientists have the freedom to choose the appropriate animal model.

Assaults on animal research laboratories almost invariably result in the theft of animals and the destruction of property, equipment and records. Militant factions within animal rights organizations usually are the self-proclaimed perpetrators of these crimes. The Public Health Service has reports of 71 incidents in-

volving criminal acts committed during the past 8 years against facilities using animals, including break-ins, thefts of animals, bomb threats, arson and other acts of violence.

There are many costs associated with this. First and foremost and most obvious is the loss of property and equipment. Second is the loss of valuable information and, associated with that, the cost of replacement or repetition of the experimental protocols.

In addition, though, there are the intangible costs of delay in having the results of that research come to fruition in application in the clinical or other health care settings.

And last but not least, and for the long term, extremely disturbing is the strong disincentive to young people against entering careers in biomedical research if they see themselves as potential subjects of such terrorism. The costs of those lost opportunities are incalculable.

I feel confident, Mr. Chairman, that the vast majority of biomedical scientists are people who want to see all laboratory animals be properly cared for and responsibly used. Moreover, Federal and local statutes, regulations and policies set forth standards for the humane care and use of laboratory animals. The NIH and its parent Public Health Service have exercised strong leadership in this area for many years, as has the U.S. Department of Agriculture.

The cornerstone of our efforts is to promote self-regulation on the part of research institutions, with that responsibility resting heavily on the local institutional animal care and use committees.

But, in addition, there is continuing and regular oversight and promotion through the NIH Office for Protection of Research Risks and the U.S. Department of Agriculture. Also, Federal law mandates that research grant applications be reviewed by two panels of experts chosen for their competence in relevant biomedical disciplines. And the second panel in the sequence, by law, also involves lay persons.

At present there are legal and straightforward routes for the public to question specific research involving animals. Much of biomedical and behavioral research is publicly funded, and, therefore, information is publicly available from research institutions, scientific literature, the Public Health Service agencies and other public sources.

The vast majority of information gained through illegal activities of animal rights organizations could have been obtained through simple legal means.

If members of the public have concerns about specific research, we welcome their coming forward and submitting complaints to the NIH Office for the Protection from Research Risks, the USDA's Animal and Plant Health Inspection Service and/or in individual States to other legal channels.

Mr. Chairman, this concludes my remarks, and I'll be pleased to answer questions as best I can.

[The prepared statement of Mr. Raub appears at the conclusion of the hearing.]

Mr. STENHOLM. Mr. Nakamura.

STATEMENT OF JOHN T. NAKAMURA, WASHINGTON REPRESENTATIVE, CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Mr. NAKAMURA. Thank you very much, Mr. Chairman, Congressman Brown, and colleagues. Thank you for the invitation to appear before you today.

Humane treatment of animals used for food, breeding, research, and education has been the goal of the California agricultural industry for years. Protecting the health and welfare of animals has been good business for ranchers and researchers alike.

Ranchers profit from well-cared-for animals, while researchers make discoveries which result in great health benefits for man.

Recently a disturbing trend has been sweeping across the country. Animal rights activists and their sympathizers have expressed their protest by destroying millions of dollars worth of public and private property. Protests have included vandalism and arson. Animals have been released and utilities shut off, disrupting research projects and causing the death of the animals that the activists were trying to protect.

I would like to document for the record some of the acts of protests which we term vandalism that have taken place in California.

January 1989, Dixon. A private livestock saleyard was burned. Damage was estimated at \$350,000.

January and May 1989, Sacramento. A livestock association building was defaced and property destroyed on two separate incidents within a 6-month time period.

January 1988, University of California, Irvine. Estimated damage to research and equipment \$50,000. Disrupted a study of the causes and possible cure for sleep apnea.

April 1987, the University of California, Davis. A veterinary diagnostic laboratory under construction, intended for the discovery of animal diseases, including those transferable to humans, was severely damaged by arson. Physical damages were estimated to be \$5 million.

April 1985, University of California, Riverside. Damage to research and equipment was estimated to be over \$400,000.

These are just a few examples of vandalism that has occurred in the State of California in the past few years.

Obviously the livestock industry and the biomedical research programs in California are in jeopardy due to these activities. Current law is not sufficient to address the unusual nature of these crimes.

There is a hidden cost beyond the value of property that is extracted. For researchers, valuable data and time are lost, delaying extended projects. Long-term consequences could include loss of grants in this area and fewer researchers entering the field.

In addition, ranchers now require additional security due to the harassment they have received. This increases their operating costs and subsequently raises the costs to the consumer.

Additional legislation may be needed, particularly on the Federal level, to invoke stiffer penalties which will act as both a deterrent to the crimes and a stronger incentive to law enforcement agencies to apprehend the perpetrators.

California Department of Food and Agriculture would be in support of legislation designed to increase monetary and imprisonment fines related to vandalism to a research institution in which animals are being housed or used in research or to an agricultural operation including agricultural trade associations.

Thank you very much.

[The prepared statement of Mr. Nakamura appears at the conclusion of the hearing.]

Mr. STENHOLM. Dr. Arnoldi.

STATEMENT OF JOAN ARNOLDI, DEPUTY ADMINISTRATOR, REGULATORY ENFORCEMENT AND ANIMAL CARE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Ms. ARNOLDI. Thank you, Mr. Chairman.

I would like to enter my testimony in the record, but I would attempt to summarize with your permission.

Mr. STENHOLM. Without objection.

Ms. ARNOLDI. Mr. Chairman and members of the subcommittees. I am pleased to appear before you this morning to discuss the problem of crimes against biomedical and agricultural research facilities.

As the agency charged with the administration and enforcement of the Animal Welfare Act, the Animal and Plant Health Inspection Services has found itself involved in the growing controversy surrounding research facility break-ins.

We in the Department of Agriculture believe that animal research is beneficial and, indeed, crucial to society. We also believe that animals in research facilities should be given humane care and treatment, and condemn crimes against research facilities that have destroyed years of valuable research.

In your letter inviting us to appear here today, you asked us to address some specific questions. And I would like to address those questions separately.

You asked the extent to which we feel that agricultural research facilities are at risk for destruction of property and records, interruption of experimental protocols and harassment of researchers. And you also asked us to identify any trends that appear to be emerging based on our data.

It is difficult for us to assess the risk to agricultural research facilities compared with other types of facilities. We believe that all facilities are at risk. And it appears, based on media reports, that certainly the crimes are on the rise.

USDA does not keep statistics on the number of break-ins or subsequent investigations. Some of that data, as you've heard, is kept by the Department of Health and Human Services, and they can give you a more detailed response.

In a related question you asked us to provide figures on the dollar cost to Agriculture from acts of breaking and entering agricultural research facilities, as well as the increase in dollars necessary to protect those facilities.

The Agricultural Research Service has estimated that the cost of preventive security and replacement of property damaged through

break-ins at the ARS facilities could add approximately 5 percent to the cost of doing research. Although any figure we might provide on the cost of lost research to agriculture would be speculative, the cost could indeed be very high.

Although APHIS does not have any specific enforcement responsibilities concerning break-ins at research facilities or other animal facilities, laws do exist on all levels to protect against break-ins, theft, vandalism or other threats against life or property. We believe these laws should be vigorously enforced.

It is our duty to cooperate in any law enforcement investigation, and to report crimes to appropriate law enforcement officials.

You also asked us to discuss the role of the institutional animal care and use committees as possible conduits for information leaks to individuals and organizations that might encourage facility break-ins or harassment.

While we understand your concern about the leaking of information that could encourage illegal activity, the release of confidential information by anyone on a committee is unlawful and punishable by fines up to \$10,000 and imprisonment up to 3 years. We feel that these penalties will serve as an effective deterrent to individuals who might consider providing confidential information to outside individuals or groups.

Rather than serving as conduits, we believe that the committees can help alleviate the public's concern by serving to guide research institutions in humane care and treatment and ensure compliance with the regulations.

One of the duties of these committees is to review research protocols to ensure that experiments are not duplicative or that they do not use animal models unnecessarily.

Although the public is not permitted to review such protocols or experiments, the inclusion on the committee of a member of the community with an interest in the proper care and treatment of animals can help ensure that all the community's interests are met.

Because the committees will have a stronger presence in the research institutions, they can monitor activities more closely. The fact that the committees are comprised in part of people within the institution will make it more likely that researchers and caretakers of the animals will trust the judgment and guidance of the committees.

We firmly believe that criminal acts against research facilities are not the solution to public concerns about the treatment of research animals.

APHIS stands prepared to take steps to cooperate with any law enforcement agency investigating a crime against a research facility. We must continue to communicate with reasonable and responsible people on all sides of this issue to try to prevent the useless waste and endangerment these acts perpetuate.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Arnoldi appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you.

Mr. Roberts.

Mr. ROBERTS. Yes. Thank you, Mr. Chairman.

Mr. Raub, I'm going to ask a question that probably Mr. Rose will ask in some form. Within the NIH structure is there a mechanism for employees of NIH or any animal welfare organization or any concerned individual to request an inquiry into research proposed or presently underway where concern for animal mishandling or abuse can be addressed? Is there any kind of mechanism or structure or procedure there?

Mr. RAUB. Yes sir. Our Office for the Protection from Research Risks serves as the focal point for such inquiries directly to Dr. McCarthy and his colleagues. But, in addition, if any come, for example, to me or other senior officials they are promptly referred to Dr. McCarthy's office.

Mr. ROBERTS. Is this well known? Is it being utilized?

Mr. RAUB. Yes sir.

Mr. ROBERTS. Have you had any success with it?

Mr. RAUB. Yes sir, I believe it is well known throughout the scientific community, including within our own organization, and it is used routinely.

Mr. ROBERTS. The Department of Justice has raised the question, and we raise the question, I've raised the question, of the value of damage in declaring the priorities that the U.S. prosecutors must have to really utilize within the scope of discretion and where they rate these incidents.

Would you have any personal feelings on the value of research data lost—but, more importantly, could NIH develop some recommendations in trying to evaluate this loss?

Mr. RAUB. Yes sir, I believe we could. We have done some preliminary case studies as various ones of these incidents have come to our attention. And the results of that have made it clear that we could serve ourselves and others well by doing more systematic analyses.

It's relatively easy for us to define the value of the equipment that is lost or destroyed. Less easy for others to appreciate is the scientific value of particular animals.

In almost every case it is not simply the replacement cost of the animals, but, rather, one needs to take into account the line of research and activity—sometimes involving special training of those animals, other times the series of data that has been gathered from them.

We believe we can do more in terms of helping others understand the nature and the significance of those costs.

Beyond that, it becomes less firm. But we believe we can give estimates of the nature of the delay in individual cases in getting research results on to the next step, if not some broader assessment of the consequences for public health.

Mr. ROBERTS. Well, now, you say you can or you could. Are you in the process of that?

Mr. RAUB. Yes sir, we are.

Mr. ROBERTS. Are they fenced in to the degree that you could share those with the subcommittee as some recommendations?

Mr. RAUB. We have some ideas along that line now. But, really, in the next few weeks I believe we could polish that to the point that I think the subcommittee might find useful.

Mr. ROBERTS. I would appreciate that, and I think my colleagues would as well, if you could simply forward that information.

Dr. Arnoldi, some time ago the University of Kansas— this was prior to the defeat last night by Oklahoma, which I wonder why I even brought up. But, at any rate, in their animal research facility we found that they were deficient in a number of areas. And we went to work on their behalf, and working with the USDA, trying to attain some flexibility. And we gained that. And they're up to snuff. Don't misunderstand where I'm headed.

But I'm just wondering if increased inspections of animal research facilities—and I don't mean to use the word "inspection" as a pejorative at all—would be beneficial.

And then the next question, of course, if that would be the case, so that you don't find somebody having to catch up and then do the extra effort to try to get up to speed here, could you do this at the present level of funding?

So I guess my question is a two-part question. Do we need additional inspections? And, if we do—if that would be helpful to maintain that performance level—do you have the funds to do that?

Ms. ARNOLDI. Well, I think we currently have an effective level of inspections. Obviously with more resources you do more. But I think, given our current level, that we are effective in the inspections that we are currently conducting.

Mr. ROBERTS. Well, there are some real concerns by several of my colleagues. Mr. Rose has mentioned the urban members, but I'm sure that in terms of animal welfare we all share that concern. Perhaps we're not as informed as we should be. It's not the first time that we wouldn't have done our homework.

I would appreciate sort of a very brief summary of the current inspection level. I don't mean to say that that's not adequate. Don't misunderstand me. It just seems to me that that would be information that I could share and that Mr. Rose could share with our colleagues to indicate that we do have these inspections and that they are very frequent and on the money.

Ms. ARNOLDI. I'd be happy to furnish that information.

Mr. ROBERTS. I thank you.

I yield back, Mr. Chairman.

[The information follows:]

GEORGE E. BROWN, JR., CALIFORNIA,
CHAIRMAN

CHARLES ROSE, NORTH CAROLINA
LEON F. PANETTA, CALIFORNIA
CHARLES W. STENMOLM, TEXAS
DAN GLICKMAN, KANSAS
CHARLES HATCHER, GEORGIA
JIM OLIN, VIRGINIA
HAROLD L. VOLKMER, MISSOURI
JIM JONTZ, INDIANA

E. KIKAJ DE LA GARZA, TEXAS,
EX OFFICIO MEMBER

WILLIAM A. STILES, JR.,
STAFF DIRECTOR

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515

PAT ROBERTS, KANSAS,
RANKING MINORITY MEMBER
E. THOMAS COLEMAN, MISSOURI
SID MORRISON, WASHINGTON
FRED GRANDY, IOWA
JAMES T. WALSH, NEW YORK
EDWARD R. MADIGAN, ILLINOIS,
EX OFFICIO MEMBER

JOHN J. AGUIRRE,
MINORITY CONSULTANT

March 7, 1990

Dr. Joan Arnoldi, DVM, MS
Deputy Administrator
Regulatory Enforcement and Animal Care
Animal Plant and Health Inspection Service
USDA
6505 Belcrest Road
Room 208, Federal Building
Hyattsville, MD 20782

Dear Dr. Arnoldi,

Thank you for your recent testimony at the February 28, oversight hearing on animal facility protection. I wish to follow-up on your testimony with several additional questions.

- During your testimony you mentioned that APHIS was presently doing about one inspection per year of each facility. A frequent response by animal welfare organizations is that animal facility protection would not be an issue if the animal welfare act was more vigorously enforced. If we follow this line of thought, what would it take in manpower and funds to provide two inspections per facility per year?

- In testimony from Dr. Charles McCarthy at NIH's OPRR, he stated that there is a mechanism through his office for the public to address concern over specific research projects and/or protocols involving the NIH. How can a concerned individual and/or organization pose similar questions through APHIS?

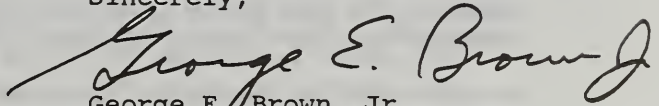
- If there is no present pathway for the public to question an animal care and use committee or an animal research facility under APHIS's regulation, what would REAC have to do to put this in place. Please be specific in response to organizational changes, manpower needed, and additional funding.

- What percentage of your present inspections require reinspection?

- In testimony you mention that REAC is responsible for monitoring the animal care and use committees. Specifically can you describe exactly how your agency functions in this manner?

I would appreciate your having these answers to the above questions to me at the subcommittee office no later than March 29, 1990.

Sincerely,

A handwritten signature in cursive script that reads "George E. Brown, Jr." The signature is written in dark ink and is positioned above the printed name and title.

George E. Brown, Jr.
Chairman

GEB:mak



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

P.O. Box 96464
Washington, DC
20090-6464

July 10, 1990

- Honorable George E. Brown, Jr.
Chairman, Subcommittee on Department Operations,
Research, and Foreign Agriculture
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

JUL 17 1990

Dear Mr. Chairman:

Thank you for your letter of March 7, 1990, concerning the February 28 oversight hearing on animal facility protection.

We appreciate the opportunity to respond to your Subcommittee's additional questions. Please accept our apology for the delay in responding. We have addressed each of your questions separately.

Q. During your testimony you mentioned that the Animal and Plant Health Inspection Service (APHIS) was presently doing about one inspection per year of each facility. A frequent response by animal welfare organizations is that animal facility protection would not be an issue if the Animal Welfare Act (AWA) was more vigorously enforced. If we follow this line of thought, what would it take in manpower and funds to provide two inspections per facility per year?

A. In 1989, we achieved an inspection rate of 1.22 visits per site. Based on currently available data, we estimate that this rate will improve to roughly 1.4 inspections per site in 1990. Using these figures, we estimate that to increase the frequency of inspections to 2.0 per year, assuming the AWA is not changed, an additional \$3,560,000 and 68 staff years would be needed.

However, it should be noted that our Agency expects to promulgate new animal welfare regulations within the next year. We estimate that the proposed changes would result in an increase of 1 hour in the time needed to inspect each research facility. To expand the length of our research facility inspections by 1 hour, an additional \$680,000 and 13 staff years would be needed. Because the regulations are not yet final, we did not include this increase in the figures given above.

Q. In testimony from Dr. Charles McCarthy at the National Institutes of Health's (NIH) Office for Protection of Research Risks, he stated that there is a mechanism through his office for the public to address concern over specific research projects and/or protocols involving the NIH. How can a concerned individual and/or organization pose similar questions through APHIS?

A. The public can and does express concern about specific research facilities and activities by filing written complaints with our Agency's Deputy Administrator for Regulatory Enforcement and Animal Care (REAC). If appropriate, the complaint is forwarded for investigation to the REAC Sector Supervisor in the area in which the complaint originated. The Sector



APHIS—Protecting American Agriculture

Honorable George E. Brown, Jr.

2

Supervisor would then contact the Institutional Animal Care and Use Committee (IACUC) and Attending Veterinarian in the institution about the complaint and might conduct a reinspection of the facility.

Q. If there is no present pathway for the public to question an animal care and use committee or an animal research facility under APHIS' regulation, what would REAC have to do to put this in place? Please be specific in response to organizational changes, manpower needed, and additional funding.

A. We have described, in our response to the previous question, the mechanism for the public to address concerns and inquiries to our Agency. The current regulations do not require that the IACUC establish or maintain a pathway for public complaints. If such a pathway were to be established through our Agency in addition to the mechanism that already exists, we estimate the following needs:

	<u>Dollars</u>	<u>Staff years</u>	
Field	\$523,370	10	(5 veterinary medical officers and 5 clerical support)
Headquarters	<u>104,674</u>	<u>2</u>	(1 veterinary medical officer and 1 clerical support)
Total	\$628,044	12 staff years	

This would be dependent upon receiving the additional resources in question number one. These additional inspectors, one of whom would be assigned to each of the five field sectors, would conduct the actual followup at the facility, including inspection of records and contact with the IACUC Attending Veterinarian and Institutional Official.

Q. What percentage of your present inspections require reinspection?

A. Based on Fiscal Year 1988-89 inspections, 25-30 percent of our inspections require reinspection for compliance.

Q. In testimony you mention that REAC is responsible for monitoring the animal care and use committees. Specifically can you describe exactly how your agency functions in this manner?

A. The regulations that specified the role of the IACUC's were effective October 30, 1989. REAC is now beginning to implement these new regulations. Our inspectors conduct routine inspections of each research site for compliance with the AWA. If questions regarding minimization of pain and distress are raised during the inspection process, the inspector may check IACUC meeting minutes and research activity approval documentation. In addition, the inspector may question the Attending Veterinarian and the IACUC Chairperson to determine justification for any apparent lack of pain control in the study. Our inspectors will also review semiannual IACUC reports, which

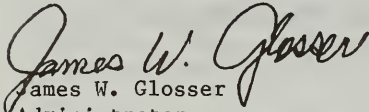
Honorable George E. Brown, Jr.

3

include a review of the program of animal care and inspections of the facilities. In addition, we will randomly check various research activities and procedures for proper assurances that any experimentation involving pain to the animals does not duplicate previous research, that alternatives have been considered, and that the pain and distress is minimized to the extent possible.

We hope these answers are helpful. We would be pleased to provide any additional information you may require.

Sincerely,


James W. Glosser
Administrator

Mr. STENHOLM. Mr. Rose.

Mr. ROSE. I'm very impressed with that very compassionate question that you asked, Mr. Roberts. It shows your concern, as many of us in the House share the concern.

Dr. Arnoldi, I think you got the message pretty clear that—and I'm sure you're doing what you can within the resources that are granted to you to enforce the Animal Welfare Act. You don't have a whole lot of money to do that, do you?

Ms. ARNOLDI. No, sir.

Mr. ROSE. What kind of budget would you estimate that you have for your inspections under the Animal Welfare Act?

Ms. ARNOLDI. Our current level of funding—is that what your question is, sir?

Mr. ROSE. Yes.

Ms. ARNOLDI. I believe it's \$7.4 million.

Mr. ROSE. And that would be for paying all the inspectors that go to all the animal laboratories, and things like that?

Ms. ARNOLDI. Yes sir.

Mr. ROSE. The Animal Welfare Act does not apply to farm animals, does it?

Ms. ARNOLDI. No, it does not.

Mr. ROSE. A lot of people get that confused. They think that the Animal Welfare Act covers farm animals. But it does not.

I can't argue with anything that any of you said. I am especially impressed with Mr. Nakamura's statement. Being from California, he gave—I'd just call attention to the fact that in the opening part of his statement he made note of the concern of people of his State for the welfare of animals, and the concern that ranchers and farmers generally have for the welfare of animals. And then he pointed out some very horrible situations that have occurred in California that none of us can tolerate, I don't care where you come down on these.

Mr. Raub, I think you know that Congress is serious about animal welfare. I also think you know that Congress totally supports meaningful, humane research done on animals. I think that will continue.

Let me ask you a question, each of you.

Mr. Raub, from your experience, do you have any evidence that the same people who have physically damaged research laboratories are also the same people that have been involved in acts of violence against farmers?

Mr. RAUB. I have none, sir.

Mr. ROSE. Do you, Mr. Nakamura.

Mr. NAKAMURA. Yes, we have. At least the claims were made that the—like the saleyard in Dixon that was burned. I think it was a day following the defacement of the California Cattlemen's office. There were calls made to a local radio station and other places that these activities were perpetrated by these rightists groups.

Mr. ROSE. And you believe, then, there was some evidence that they were involved both in the activities against the feedyard and the research organization?

Mr. NAKAMURA. Yes. In California there certainly appears to be—the people that are causing this destruction apparently want

the public to know that they're involved. And so they leak the information.

Again, it's hard to know the validity. But there is a definite pattern taking place. Whether it be shooting the windmill of a cattle rancher or putting liquid glue in locks, and these things.

There just appears to be—they want to take credit. So there appears to be definitely some concerted effort not only on the part of research facilities, but agricultural operations, livestock operations.

Mr. ROSE. Do you think that the laws of California are sufficient to deal with these situations? Or do you recommend that we pass a Federal statute to deal with this similar to what the Senate passed or similar to what I have introduced or what Mr. Stenholm has introduced?

Mr. NAKAMURA. I have asked a number of people in California that very question. There seems to be a divided opinion. Some feel that the statutes are adequate.

But the only thing that we do know—the kinds of seemingly coordinated activities that we're dealing with, whether the laws are adequate or not they're certainly not taking care of the problem. It's just not happening.

Mr. ROSE. Do you agree with that, Dr. Raub? Or would you have a different point of view?

Mr. RAUB. My point of view is very much that. By the self-proclamation of the various groups—the most frequent one identified or claimed is the Animal Liberation Front.

Now how hard is the evidence that's available throughout the country, I can't tell you. But, certainly, by the self-proclaiming there is at least that level of indication.

Insofar as the statutes are concerned, the point of view of the National Institutes of Health and the Department of Health and Human Services is that there is a serious problem with respect to the nonrecognition by local and State law enforcement authorities of the significance of the research activities.

We are prepared to work within whatever framework of statutes is appropriate. But we see ourselves as needing to do more to help local research institutions and local and State law enforcement officials understand that this is not simply vandalism or simply the theft of a few animals whose value might be \$10 or \$150. But, rather, this is a substantial amount of your tax money and mine invested in research that was identified as meritorious in a very stringent national competition and that is only funded because of the promise it offers for improving human health, and that therefore needs to be viewed as having national significance.

When one adds to that that many of these break-ins and other criminal acts are, or seem to be, the manifestation of an interstate, if not national or international, conspiracy, then addressing it in the multiple levels of government seems critical.

Mr. ROSE. In his letter that was put before the subcommittees, the statement was made by Office of Science and Technology that, "We have appended what is at best a partial list of break-ins, robberies, and destructive episodes involving research supported by the NIH as a document attesting to the growing violence of these—their advocacy of alternative methods is a smokescreen."

Now that statement doesn't seem to connect with anything else in the letter. But it does express a thought that's coming from the Office of Science and Technology.

I would agree with Mr. Volkmer that we should use research absolutely, as much as we have to, to create procedures or to create chemicals or drugs that will promote health and save human life either for humans or for animals. So I totally agree with that.

But to go one step beyond that, I was with a major research facility several months ago and they were showing me the tests that they were required to do by Congress, by the law that we set up for the Food and Drug Administration to follow. And they were saying to me this animal testing is extremely expensive, and that we could cut it in half—not cut it out. I'm not talking about cutting it out. We could cut it in half and use some computer models to make up for what would then be dropped as experiments.

To me, that's an alternative method. I certainly don't consider that a smokescreen. That was a national private company research lab head saying we could move away from so much animal testing.

Do you agree that we probably ought to take a look—I'm not talking about in basic research like that you conduct. I'm talking about in product safety testing which, as you know, under our laws requires a great deal of animal testing be used.

Are we coming to the place where we might be able to back off a little bit and substitute some computer models in addition to a large portion of it still being animal?

Mr. RAUB. Sir, I have several comments about that. First, by definition, the provisions of any given regulation that mandate a certain kind or extent of animal testing were based on a science base of years before.

I believe those issues deserve continuing examination as the science evolves. And there inevitably will be opportunities where the testing requirements can be made less demanding, or even in certain instances simplified considerably, because of the advances in research with tissue cultures, with invertebrate animals, with computer models and the like.

The second comment is that to the extent——

Mr. ROSE. Well, my question is have we reached that point, and is anybody doing that reevaluation?

Mr. RAUB. Well, my second point is that it's not point A to point B and over, but, rather, a continuing process.

To the extent that the science base is changing, where there are a broader array of research methods, many of which lessen the dependency on whole animal experimentation, the NIH more than any other single organization in the world has been responsible for that.

I can give you some very quick examples.

Mr. ROSE. Go ahead.

Mr. RAUB. Take the development of anticancer drugs, for example. As recently as 15 to 20 years ago almost every step in the process of bringing a new chemical that might have some cell-killing properties to use as a pharmaceutical agent against cancer required testing in tumor-bearing animals; different species, many numbers—every step of the way.

Within the last decade to decade and a half NIH-funded research has demonstrated that, for certain kinds of tumors, human tumor cells can be extracted from the patients, grown in tissue culture for indefinite periods and be used as a first line of screening for those chemicals. It has reduced considerably the number of animals used, reduced considerably the time for the preliminary phases of drug development, and even allowed for the number of species of animals to be reduced. But in no way has it eliminated the ultimate dependency on doing testing in tumor-bearing animals before one deals with the ethical questions of introducing that substance into a human subject.

I believe that science base will continue to grow. NIH is proud to be at the forefront of making it happen. But it's not yes or no. Rather it's an evolving thing.

Mr. ROSE. I understand. But this major company lab people, when I asked them— I said, "Why don't you all propose some changes like this?"

They said, "We'd be murdered." They said, "If we proposed to the Food and Drug Administration that we cut back on animal research to a percentage and increase computer models, the data that we send on products—you know, it would set around forever."

Now are you aware of those kinds of concerns about how the bureaucracies work?

Mr. RAUB. Well, a statement of that intensity surprises me. I can't speak for the Food and Drug Administration, but I've been part of many discussions where the Food and Drug Administration has tried very hard not to have what they see as arbitrary or rigid regulatory requirements but, rather, on a case-by-case basis, look for satisfactory evidence that this compound is indeed safe and effective before risking human beings.

Mr. ROSE. I think a step in the right direction would be for you to pay some attention to that as it crosses your desk to see if there's not a way that we can, without cutting down on human safety—Harold Volkmer said it for me. I've got a 2½-year-old little girl at home, and I don't want to think that if she got sick and needed something at a hospital that it wouldn't be there because two rats hadn't given up their lives so that some experiment might be done. And he got very emotional about that—and I concur in that feeling.

But where a testing laboratory, major testing private laboratory, getting products tested and approved by FDA to go on stream in this country for the American people, says, "We've been doing too much animal testing for too long, and we can cut it back and do some substitution", I think that's a statement—I'm certainly not going to tell anybody who they are, or they'll be subject to criticism from the bureaucracy. And they told me they were very concerned about that.

But would you make that a concern? I'm talking to other members of the Health Subcommittee in the Energy and Commerce Committee about that. I think that would be a step in the right direction.

It certainly has nothing to do with breaking in animal laboratories. That's not excusable under any circumstance. And I will support what this committee does to see that that's stopped.

Mr. STENHOLM. Mr. Hopkins.

Mr. HOPKINS. Thank you, Mr. Chairman.

If I may, members of the panel, let me follow up briefly on Mr. Rose's question. Do you believe that we are experimenting too much?

Mr. RAUB. No sir. I think the number of research opportunities that are before us as a nation and the promises for improved human health are many. There's certainly not too much experimentation going on.

Mr. HOPKINS. Does anybody on the panel disagree with that?

[No response.]

Mr. HOPKINS. How much is enough?

Mr. RAUB. For NIH, as for other Government agencies, that's always an issue in our annual appropriations debates. The budget request that goes forward from the President obviously must be conditioned on many competing factors. And as part of that budget process each year, we have the opportunity to give a professional judgment budget freed from other constraints or competing priorities. We will continue to assert our advocacy for that at the appropriate point in the budget cycle each year, while still following through on the request that the President and the Congress ultimately determine as what the Nation can afford.

Mr. HOPKINS. How much is in the budget this year?

Mr. RAUB. The budget for this fiscal year for the National Institutes of Health is \$7.6 billion. The budget request for fiscal year 1991 is \$7.9 billion. And as I responded recently at a hearing before the Senate Appropriations Subcommittee, the professional judgment request at the very beginning of that process last spring was approximately \$11 billion.

Mr. HOPKINS. How much was it 8 or 10 years ago?

Mr. RAUB. Roughly about \$4 to \$5 billion. We could get you the precise number for the record, if you'd like.

Mr. HOPKINS. So it's been increased in the last 8 or 10 years about 100 percent?

Mr. RAUB. Yes. There has been a strong and sustained growth because of the continuing broad based support from the Congress as well as the administration.

Mr. HOPKINS. Dr. Arnoldi, let me ask you—you mentioned in your testimony that you inspect research facilities on a periodic basis. What do you mean by periodic? How often?

Ms. ARNOLDI. On an average, more than once a year. We tend to concentrate our efforts on those facilities which have deficiencies. We do inspect each facility at least once a year.

Mr. HOPKINS. So you inspect them all once a year, but some of them more than once a year; is that correct?

Ms. ARNOLDI. Yes. That's correct, sir.

Mr. HOPKINS. What would be the ultimate? Would the most be twice a year, or three times a year or—

Ms. ARNOLDI. Probably the most would be twice. But if an institution had severe deficiencies we would be there more often.

Mr. HOPKINS. Are your visits announced, or are they surprise visits?

Ms. ARNOLDI. No sir; they're unannounced.

Mr. HOPKINS. Unannounced?

Ms. ARNOLDI. Yes sir.

Mr. HOPKINS. Do you have any problems with that? I know sometimes in other areas of the Government like nursing homes sometimes the inspectors—or the people working in the nursing homes sometimes know that the inspectors are coming so they run around and clean things up. Do you have any problem with that at all?

Ms. ARNOLDI. No sir, I don't believe it's been a major problem.

Mr. HOPKINS. What is the objective, if you will, of the animal activists in our country today?

Ms. ARNOLDI. You're speaking of animal activists in general, I assume, sir?

Mr. HOPKINS. Yes.

Ms. ARNOLDI. I think that covers quite a broad range.

Mr. HOPKINS. I'm speaking of those that we are concerned with here today.

Ms. ARNOLDI. I believe that some of those activists would like to see that no more animals are used in the research at all. I think that's a prime objective.

Mr. HOPKINS. Mr. Raub.

Mr. RAUB. Yes sir. I think that's an accurate comment. There's quite a spectrum of interests. I think that probably much of the activity is best characterized as a movement for animal welfare, which almost invariably starts with the premise that some substantial amount of animal experimentation is necessary—in fact, an ethical imperative if human health is to be improved—but wanting assurances that the numbers of animals used are not excessive, that the correct species is used, that the animals are spared pain and suffering to the extent that is possible with getting the science done, and that otherwise the facilities are satisfactory or more so, and that the people are adequately trained.

We think of ourselves as an active, in fact, leading, part, of an animal welfare movement.

By contrast, the animal rights philosophy usually is expressed as the equivalence amongst all forms of life, and making no ethical or moral distinction between animal life and human life.

If one follows that to its logical extent, it is therefore unethical to conduct any animal experimentation, especially that which involves surgery or injection of drugs or induction of disease, no matter how compelling the potential human benefit of that is.

The NIH, as a research institution, rejects that idea categorically. But we respect the rights of citizens in this country to hold to that philosophy.

When that philosophy becomes expressed beyond First Amendment forms into overt terrorism and intimidation of scientists and arson, vandalism and the like, it is then that as a research agency, as well as individuals, that we react in a very negative way.

Mr. HOPKINS. Dr. Raub, if the objective of the animal rights, as described by Dr. Arnoldi, were to be successful—that is, the non-use of any animals for experiments—could you give me some examples of current vintage that we would have been deprived of in society?

Mr. RAUB. Yes sir. There are many. If I understand your question about lines of research. I was using the example of cancer research before.

If one goes back to 1938 when the National Cancer Institute was created, the diagnosis of cancer was tantamount to a death sentence. With rare exceptions one could expect 100 percent fatality from that.

Now, largely because of Government-funded research through our National Cancer Institute and other components, 50 percent of human cancers are curable given early detection and access to proper care and the like.

That's both good news and bad news. The fact that it's 50 percent is encouraging, the fact that 50 percent remains is still very frustrating and indicates that we need to press on.

Without the ability to use animals in research, virtually none of that 50-percent gain would have been possible. I believe it's that dramatic.

And in every one of the disease areas that falls within the cognizance of the NIH—whether it's neurological diseases such as Alzheimer's disease or various forms of heart disease where mortality has dropped significantly over the last several decades—every one of those is directly and heavily rooted in animal experimentation. And were that not to have been available, the gains would not have come about.

Mr. HOPKINS. Do you believe, or any member of this panel—do you believe that the animal rights activists have any legitimate concerns here today?

Mr. RAUB. Mr. Rose made the comment earlier about smoke-screens and some ambiguity about that. When the animal rights philosophy is expressed at its core as the equivalence of all forms of life, it's a straightforward philosophy that has certain conclusions that derive from it. And it really puts the question before us as a society whether any animal research should be conducted and whether society should pay for any of it.

That's a relatively straightforward plane on which to debate it. And honest individuals of different philosophical convictions will disagree.

Where it frequently becomes complicated in the day-to-day business of the management of the NIH, for example, is when some animal rights activists disguise their message in the form of other messages that have a more superficially acceptable character to them. For example, on the surface, one cannot always tell whether the advocacy for the so-called alternatives or adjuncts to research is being made in the sense that Mr. Rose described it as wanting to see wherever possible a reduction in the number of animals used, and a more efficient and a more effective balance, as distinct from using it as a cover to argue, as some have, that because some of these adjuncts exist animal research is no longer needed and scientists are just recalcitrant or uninformed.

To the extent that it translates into a misleading statement, or even a big lie, then it's of deep concern to the research community and to the NIH.

Similar arguments can be held for animal welfare itself, where some have advocated facility requirements that would for all intents and purposes price many research institutions out of the research business.

Still others have used the legitimate issues of conservation as a cover for promoting conservation practices that in fact would eliminate much if not all in certain areas of biomedical research.

Mr. HOPKINS. Let me ask you, as professionals who deal with this subject every day, do any of you know of any instance where an experiment has been conducted beyond what was necessary perhaps to acquire the results for a successful conclusion of that experiment that might have resulted in what we might consider inhumane treatment of that animal?

Mr. ROSE. Maybe I can help. What about the Silver Spring monkeys, Mr. Raub?

Mr. RAUB. Well, in the context of the questions——

Mr. ROSE. He was asking are you aware of where experiments have been done improperly or inhumanely. And I asked you what about the Silver Spring monkeys, since you wouldn't volunteer it.

Mr. RAUB. Yes sir. Specifically, the phrase was inhumane treatment. We did not regard that as an inhumane act. The particular experiments carried out on the animal were done in accord with the research protocol that was reviewed and approved. The deficiencies that NIH found were shortcomings in the system of veterinary care. It did not translate into cruelty to the animal, in our judgment.

Mr. ROSE. Excuse me, Mr. Hopkins. Thank you.

Mr. HOPKINS. Do any of the rest of you want to answer that question? None of you are aware of any instances; is that a correct assumption on my part by your silence?

Mr. RAUB. Well, sir, there are instances where even within the scientific community individuals would disagree about whether a particular protocol needed to involve a certain number of animals or a particular species of animal. But, in terms of a finding of inhumane treatment, there's none that I could identify, sir.

Mr. HOPKINS. Then what is the concern, in your view, of animal activists?

Mr. RAUB. Well, as it's expressed most frequently to me—and my colleague, Dr. McCarthy, might want to comment as well—many of the concerns that come to us, some of them anonymously, are couched in the observation or the impression that either the experimentation is unnecessary, that it's not addressing an important question, or that perhaps the research is being carried out without anesthesia or without adequate anesthesia or without adequate training of the individuals.

We take each of those complaints seriously and look into them. And perhaps Dr. McCarthy might want to elaborate.

Mr. MCCARTHY. I believe that the charges brought by the animal activists have changed dramatically even in the last three or four years.

Initially the charges almost exclusively dealt with facilities. And they argued either there was lack of proper veterinary care or improper caging or lack of ventilation or some other kind of environmental concern for the animals as they were housed.

We have looked into each one of those. In most cases we found that the charges were not supported. In a few instances we did find that they were supported and we corrected the situation.

In the past——

Mr. HOPKINS. Let me interrupt you there, if I may, for my own clarification.

Mr. McCARTHY. Yes sir.

Mr. HOPKINS. How many cases are you talking about?

Mr. McCARTHY. I don't know that we've broken them up into facilities versus project kinds of complaints. But since 1980 we have followed up 71 inquiries.

Mr. HOPKINS. And you used the words "most of them". Would you explain that to me?

Mr. McCARTHY. In most cases we were not able to support the charge brought by the activists that the institution was not following our Public Health Service policy, which is mandated by the Congress.

Mr. HOPKINS. Most being a majority. So, let's say, what would be a fair assumption there?

Mr. McCARTHY. In rough terms, I would say in 70 percent we found no supporting evidence.

Mr. HOPKINS. And in the 30 percent what did you find?

Mr. McCARTHY. In that 30 percent we found in a few cases minor technical changes that were not in compliance that could be easily corrected. Perhaps in 3 or 4 percent we found serious shortcomings that required some action. And in 4 major cases we suspended activities.

Mr. HOPKINS. Could you describe to me what were the serious cases you're talking about?

Mr. McCARTHY. One of the serious cases was the one Congressman Rose referred to; namely, the case of Dr. Taub where we found that there had been inadequate veterinary care for a period—at least undocumented veterinary care for a period of close to 4 years. And in that case we immediately suspended the activity.

Mr. HOPKINS. Are you satisfied, Mr. McCarthy, that the animals are being treated, from the period 1980 to the present, in a humane way? I'm not a scientist, but I ask for your view, yours as a scientist.

Mr. McCARTHY. Yes sir. In each research project in which PHS funds are in any way involved, a local committee must review each particular project. And it must certify to the funding agency, the NIH or other parts of the Public Health Service, that the project meets all of the requirements of our policy which, again, has been approved by the Congress.

And since we have roughly 1,000 institutions in our system—450 major ones, and a number of smaller ones—and since they involve some 15,000 to 20,000 ongoing projects, one can never be absolutely certain that there isn't a shortcoming somewhere. And so vigilance is always required.

But I think the system stands up very well as a human enterprise. And we're very proud of the enforcement of this policy.

Mr. HOPKINS. Let me ask you this question. If you were grading the National Institutes of Health in this particular area, would they get an A, B, C, D? What would they get from you?

Mr. McCARTHY. My report to you was over a period of from 1980. I came to this office in 1979. I would say up until about 1982 or 1983 I would have to give us about a C rating. It was a priority, but not the highest priority of the agency.

Since 1983 I would have to give us an A. And perhaps in the last 2 years an A+.

Mr. HOPKINS. Does anybody disagree with that assessment?

[No response.]

Mr. ROSE. Mr. Hopkins, just a funny aside here. If you asked the Defense Department that question about how they were doing, what would they tell you?

I don't believe the Defense Department ever admits that they do anything that they shouldn't do. And I think that—

Mr. HOPKINS. But, Mr. Rose, those people who are sentenced to the electric chair obviously would disagree with that assessment?

Mr. ROSE. At the Defense Department? I didn't know you had executed anybody at the Defense Department.

Mr. HOPKINS. My point is that people that are sentenced to execution, death, if you will—whatever the reason—might not give them the same grades as described by the gentleman here today.

Mr. STENHOLM. The incident that occurred at Texas Tech University, did you investigate that? Would you elaborate on what you found at Texas Tech?

Mr. MCCARTHY. Sir, that was evaluated by the National Heart Institute, and we have their findings on record. We also have complaints in our office from the animal activists, and we are conducting our own independent assessment of that situation. It's not complete. And it is our custom to hold that information until such time as the investigation has been completed.

So I would prefer not to comment on that at the present time.

I can suggest, though, and would like to go back to the testimony we heard from Department of Justice earlier this morning, when that break-in was reported to us within some 4 hours after it was discovered, the institution, Texas Tech, asked us if we could use our influence to bring the FBI into the case. We tried to do so, and we contacted the regional FBI office in Dallas. We talked to first some lower officials, and finally to the Director of that unit. He said to me—and I can paraphrase reasonably accurately—he said, "Doctor, we are looking at 5 billion dollars' worth of charges of fraud in savings and loans institutions. You really don't expect me to get interested in the theft of a few kitty cats, do you?"

We tried to explain to him that the cats themselves might be of nominal value, but that the research that was lost, the salaries involved, the potential for benefit to infants with sudden infant death syndrome and the like was of inestimable value.

He listened. He said, "Well, you make a very strong case. Perhaps we can assign someone to this on a part-time basis."

So it gives you an idea of how difficult it is to get this to a high priority even when we had reason to believe that the cats were carried across State lines.

Subsequently, we contacted them again because we found notes at the University of Pennsylvania linking the break-in there to the case in Texas.

[EDITOR'S NOTE.—Additional information follows:]

GEORGE E. BROWN, JR., CALIFORNIA,
CHAIRMAN
CHARLES ROSE, NORTH CAROLINA
LEON E. PANETTA, CALIFORNIA
CHARLES W. STENHOLM, TEXAS
DAN GLICKMAN, KANSAS
CHARLES HATCHER, GEORGIA
JIM OLIN, VIRGINIA
HAROLD L. VOLKMER, MISSOURI
JIM JONTZ, INDIANA
E. (KIKI) DE LA GARZA, TEXAS,
EX OFFICIO MEMBER
WILLIAM A. STILES, JR.,
STAFF DIRECTOR

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515

PAT ROBERTS, KANSAS,
RANKING MINORITY MEMBER
E. THOMAS COLEMAN, MISSOURI
SID MORRISON, WASHINGTON
FRED GRANDY, IOWA
JAMES T. WALSH, NEW YORK
EDWARD R. MADIGAN, ILLINOIS,
EX OFFICIO MEMBER
JOHN J. AGUIRRE,
MINORITY CONSULTANT

April 3, 1990

Dr. Charles McCarthy
Director
Office for Protection from Research Risks
National Institutes of Health
Bldg. 1, Room 126
9000 Rockville Pike
Bethesda, Maryland 20892

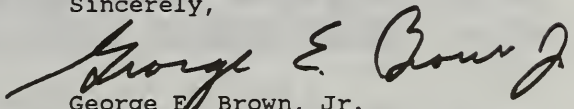
Dear Dr. McCarthy,

During your testimony on February 28, 1990 at my Subcommittee's hearing on animal facility protection you briefly discussed difficulties in securing assistance from the FBI in response to requests from research institutions. I believe that a comment was made regarding the priority of animal research break-ins in respect to the savings and loan institution's investigation.

In order that I might substantiate the problem in future discussions with the FBI, I would appreciate reference to specific incidents and their circumstances. Please return your comments by April 27, 1990.

Thank you.

Sincerely,


George E. Brown, Jr.
Chairman



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

MAY 7 1986

National Institutes of Health
Bethesda, Maryland 20892
Building :
Room :
(301) 496-

The Honorable George E. Brown, Jr.
House of Representatives
Washington, D.C. 20515

Dear Congressman Brown:

This is in response to your letter of April 3, requesting further details about an incident that I mentioned when I testified before the Subcommittee on February 28.

Following the break-in of the laboratories of Dr. John Orem at Texas Technical University Health Sciences Center (Texas Tech) in Lubbock, Texas, I received a telephone call from Dr. James Heavner, Chairman of the Texas Tech Institutional Animal Care and Use Committee. Dr. Heavner was understandably upset about the break-in. I asked him if there was any way that our office could be of assistance. He responded that Texas Tech had been unable to persuade the Federal Bureau of Investigation (FBI) to investigate the break-in of Dr. Orem's laboratory and the theft of Dr. Orem's cats. He asked whether the Office for Protection from Research Risks (OPRR) could persuade the FBI to undertake an investigation.

OPRR contacted the NIH Legal Advisor in the Office of General Counsel and requested assistance in contacting the FBI. One of the OGC lawyers called the FBI Office in Dallas, Texas and spoke to the person in charge. She explained that the case involved federally-funded research and that the case was, in all probability, linked with felonies that had occurred in many other parts of the nation. She further explained that the loss to taxpayers from repeated break-ins of laboratories was very high.

The FBI representative listened respectfully and agreed to list the Texas Tech case as one of concern to the FBI. However, he cautioned that the case could not be given high priority because the Dallas Office was investigating alleged savings and loan fraud that could involve many millions of dollars, and that he did not have the personnel resources to allow a high priority to be given to the theft of a few cats.

I hope that this information will be helpful to you. It was a distinct honor to testify before your committee.

Yours Sincerely,

Charles R. McCarthy, Ph.D.
Director, Office for Protection
from Research Risks

Mr. HOPKINS. Were any of those cats carrying a communicable disease?

Mr. MCCARTHY. Not to my knowledge in that case. There were some stolen—and perhaps Dr. Arnoldi can comment on this—from the Department of Agriculture facility in Beltsville here that did carry a threat to human health.

Mr. HOPKINS. Mr. Chairman, I yield back my time. Thank you.

Mr. STENHOLM. Mr. Penny.

Mr. PENNY. Mr. Chairman, I think the panel has covered the topic pretty thoroughly, and I don't have any questions for this group.

Mr. STENHOLM. Mr. Volkmer.

Mr. VOLKMER. To get back to what type of people we have with, what is it, the Animal Liberation Front—this one article here, and I suppose this is an accurate reporting, says, "The philosophy that drives ALF is the belief that animals do not belong to us. They don't exist for our use, not to eat, not to experiment on."

And of course it goes on further in that article—not to wear the leather jackets or use any of that type of clothing, or anything else. So that's the type of philosophy.

I point that out, Mr. Nakamura, because of your answer before about whether these people are the same ones as far as the farmers are concerned, as far as research centers are concerned—it all ties in.

Do you agree with that?

Mr. NAKAMURA. Yes, Congressman, I do believe that. There is a tie-in. I think that is why we are being subjected to the same kinds of harassment.

Mr. VOLKMER. Dr. Raub, I agree with you. I think primarily that if we didn't have this research ability there's a lot of things we couldn't foresee happening in the future, is that correct, in the health field?

Mr. RAUB. Yes, sir.

Mr. VOLKMER. I also agree in a way with Mr. Rose that if there are methodologies that we can use other than animal testing those should be used. Do you disagree with that?

Mr. RAUB. Not at all. I think we're in complete agreement about that.

Mr. VOLKMER. And I think everybody agrees that unnecessary harsh treatment of animals—lack of care, those type of things—should not be permitted. In other words, letting animals suffer unnecessarily is not necessary, and that shouldn't be permitted; is that correct?

Mr. RAUB. Yes, sir. And in fact, per an earlier answer, an NIH determination on inadequate veterinary care doesn't await for an animal to be hurt or injured from that. If the system is such that the animal is put at risk of that, that's a threshold on which we would act.

Mr. VOLKMER. You wouldn't want researchers not to care for the animals, so that the research maybe couldn't even be completed because the animal may die before the decision as to whether or not a drug has been valid or there's aftereffects, or whatever. That wouldn't make sense, would it?

Mr. RAUB. That's right.

I mean, every good scientist knows that one doesn't do good science with a sick animal, unless that animal happens to be sick with the very disease or disability that one is studying.

Mr. VOLKMER. Now the gentleman from North Carolina, who I respect greatly, has been a leader in this field of animal rights. I think he uses a lot of what I call common sense in that approach also. But he quoted from the Office of Science and Technology policy. The sentence that he quoted gave me a little—and I think we ought to clear this for the record—I have a little different interpretation on what was said there than he does. "Their advocacy of alternative methods is a smokescreen."

Now to him that meant one thing. To me it means that they're advocating that we not use animals at all. That is the ALF and those groups—and that is what they're saying here. They are not saying that we don't develop other alternative methodologies. Do you agree with that?

Mr. RAUB. There's several ways to read that, as you've indicated. I see it expressed in many different forms. When it comes in the form of saying there are emerging techniques with tissue culture and computer, I think as scientists we have an obligation to use them wherever appropriate as adjuncts to animal experimentation. And to the extent that the numbers of animals or the species can be reduced thereby, then everyone gains from that.

When it's expressed at the other extreme as an overt, big lie for example, saying a computer model in one narrow area has shown some promise and therefore that no animal experimentation ever again is needed anywhere—then it is a smokescreen, and a severe distortion of the state of science. And it's what I meant earlier by the masquerade of the core message that is committed to the abolition of animal research being expressed not in its naked form but in the disguised form that on quick look might be seen to be superficially reasonable.

Mr. VOLKMER. I'd like to get into one specific. Right now we have a considerable amount of research being done and a lot of dollars being spent—research on AIDS, immune deficiency—do we not?

Mr. RAUB. Yes.

Mr. VOLKMER. Are we using animals in that research?

Mr. RAUB. Yes, we are. In fact, they are indispensable to it.

Mr. VOLKMER. That was the next question. Let's forget indispensable. Let's assume that we were not going to use any animals any more in any research from this minute on. All the animals in this world were safe from any AIDS research. What would be your prognosis as to either vaccination or immunization for AIDS for the future?

Mr. RAUB. My prognosis would be a chilling one, sir, because as a society we would be faced with two almost untenable alternatives in my judgment. One is to stand by and watch people get sick and die, making whatever modest gains we could learn from that. Or the alternative would be as a nation to rethink our standards for the protection of human subjects and violating a set of principles that go all the way back to the Nuremberg Code and to begin subjecting human beings to levels of risk that this society has not been willing to tolerate certainly since World War II. I believe it would be a wrenching decision for this Nation—and certainly to no good.

Mr. VOLKMER. In other words, you mean isolate everybody that has AIDS and that type of thing?

Mr. RAUB. Worse than that, sir. Conduct experimentation upon those individuals with unknown materials that might——

Mr. VOLKMER. Using humans as we did——

Mr. RAUB. Yes sir, as experimental subjects.

Research with human subjects is an indispensable link in our chain of getting health benefits—both cures and preventions. But before we cross the threshold of asking a human being to give informed consent to be part of an experiment, there invariably is a body of animal experimentation that leads to that that makes us think that it's ethically appropriate for us to ask these human beings to engage in it.

Mr. VOLKMER. Well, surely, if this country would decide, like the ALF has, that we shouldn't do this in order to get a cure, or whatever, for AIDS—that we shouldn't use animals at all—and they persuaded this country that we shouldn't, then we're not going to use humans to do it either.

Mr. RAUB. I don't think so.

Mr. VOLKMER. Are we going to say that humans are subordinate to animals? I don't think so. Therefore, we have no research basically on AIDS, do we?

Mr. RAUB. I believe that's the prognosis, sir.

Mr. VOLKMER. So what's the prognosis for the youngster who gets a blood transfusion at 4 or 5 years old or 6 years old or 7 years old for getting something to benefit them before they die? It would be almost zip, would it not?

Mr. RAUB. Yes sir.

Mr. VOLKMER. And that youngster's future is less important to some people, as I see it, than that money, rat, dog, cat, whatever out there, that I can use in the future to save maybe millions of people. Isn't that the way you see it?

Mr. RAUB. Yes sir. When one begins with the presumption that the various forms of life are equivalent ethically and morally, then I think the logic takes you inexorably to that conclusion.

Mr. VOLKMER. That the life of the rat is more important than the life of the young child.

Mr. RAUB. Or at least equivalently important.

Mr. McCarthy has wrestled with a number of the questions of moral philosophy in this area, and I'll ask him to comment.

Mr. MCCARTHY. I didn't want to make a statement on moral philosophy, except to say that the literature of some of the activists has actually advocated substituting human children for animals because the children will benefit directly, and the argument goes that animals won't.

Mr. VOLKMER. In other words, you're saying that some of these activists are saying that since it's children that will benefit then children should be the things on which we do experiments?

Mr. MCCARTHY. Yes sir. That argument has been made in print.

Mr. VOLKMER. Thank you. I have no further questions.

Mr. STENHOLM. Mr. Condit.

Mr. CONDIT. Thank you, Mr. Chairman.

I would just like to ask the panel is there a general consensus among all of you that there needs to be some Federal investigative

effort in all these incidents, and that there is sufficient information to think that they're tied together? Does anyone disagree with that?

Mr. RAUB. I certainly don't. I think from our point of view the involvement of the national law enforcement organizations, supplementing and assisting and otherwise stimulating State and local, is absolutely critical.

Mr. CONDIT. I think I understand—I've dealt with this issue on several levels—the objective of the Animal Liberation Front agenda and objective. I think that we should be cognizant and work toward the welfare of animals and we should make sure that they're not abused. There is one component though that I've wrestled with for a number of years. You mentioned a while ago that you didn't want to use sick animals to do research on. Many places where they do animal research, they buy the animals from the pound.

I think one of the things that citizens are concerned about, if there's any sympathy to this effort it is "when you take my pet and you do research on the pet". Is there any uniformity in that—well, I know there's not, so I know the answer to that. But should there be, and should we not be aware of the public's interest in not having their own pets taken and after seven days sold to a research center?

Mr. RAUB. I think the point of your comment and question are well made. The issue of pet protection is a very important one. And the scientific community certainly does not want to, nor does it need to, do research on people's pets.

The worse case scenarios are when a pound or a shelter is so ill-managed that someone's pet, however apprehended, somehow ends up being provided unknowingly to a research facility.

However, the vast majority of pounds and shelters, in my experience, are very conscientious about identifying the animals that they receive and make a point of holding them, where they can afford to do that, in the hopes that the owner can recover the animal.

Some States, of course, don't allow animals from the pounds or shelters to be made available for research. Those who do operate in a framework where everything reasonable that can be done to ensure that someone's pet is not being handed over is in place.

And, indeed, research facilities—certainly the NIH—are mindful when an animal comes in, even if the dealer has represented it as purpose bred or some other, of being attentive to the signs and the behavior of the animal that might indicate that this was indeed once someone's pet.

Mr. CONDIT. I know that's correct. I served on a local board of supervisors where we sold the animals to, I think, Davis Research Center in California. And there was a great debate about that.

But a component of that debate was, I think, most of the owners would rather the animal be done away with than take it and have research done on it. That's one question.

The other part about it is there's some evidence that pound animals, in terms of health, in terms of what they benefit, they're not as good to do research on as animals bred to do research on.

I'm not sure that I even agree with just breeding animals to do research on versus just taking them out of the pound. But is there

a quality or a difference in what you actually can learn between the two?

Mr. RAUB. There's two parts to the answer to your question. I have seen but don't have with me some surveys of individuals who have donated animals to pounds. And the responses have ranged everywhere from "I want to see this animal put to sleep, please do not give it to a research facility" to others who were quite content with, in fact would have endorsed, the idea of the animal being provided to a research facility because they had respect for the local university or medical school and took some comfort in the idea that the animal might be used in a way that advanced human health.

So I think there's quite a spectrum of public opinion about that.

In any event, when an animal is acquired from a pound or a shelter or from a dealer one of the first obligations of the veterinarian in charge of the university's program is to do some specific tests to be sure of the adequacy of the health of that animal. There are conditioning periods, even isolation periods, to ensure that an animal is not bringing some unknown disease or nutritional deficiency or something else to the research. And conditioning efforts will be made where that's necessary.

The question of a purpose bred animal as contrasted to, say, one from some random source is a complex one, and it depends entirely on the purpose for which the animal is to be used.

There's some lines of research where it either makes no difference or there's even a desirability of having a broad array of genetic backgrounds in the animals—certain areas of cardiovascular experimentation, for example. It's much more important to have multiple strains than any purebred strain.

In other areas, especially with infectious diseases or things that have a genetic component, knowledge of the pedigree and the background of that animal is absolutely critical to the research. And those investigators will not use a random source animal, but rather will insist on purpose bred animals with the pedigree very well known because of wanting to ensure that there is not an unknown complication in their research.

NIH's position over the years has been not to either mandate or proscribe pound animals or random source animals, but, rather, to remind everyone, especially the scientists, that the first and foremost issue is what question are you asking and to what extent will the variety of background of the animal be an asset or a liability.

Mr. CONDIT. Thank you, Doctor.

Thank you, Mr. Chairman.

Mr. STENHOLM. I want to get back to what I really believe was the focus of today's hearing—back to law breaking. We can discuss the merits of animal research and the pets—that's a separate issue for another day, as far as I'm concerned.

What we are trying to do with today's hearing is to ascertain whether we need additional laws to protect research establishments, farmers and ranchers, and livestock auctions.

The question here is do you, National Institutes of Health, and also APHIS, feel that Federal legislation making animal break-ins a Federal crime would raise the priority of this issue sufficiently to change the outcome of the investigations?

Ms. ARNOLDI. I would say that I don't feel that we are the appropriate agency to make that type of judgment. And we would defer to Justice on that question, Mr. Chairman.

Mr. STENHOLM. Are you collecting any data in your agency as to the number and frequency of various acts against those people that you do regulate?

Ms. ARNOLDI. No sir, we don't do that. We don't have a mechanism for doing that.

Mr. STENHOLM. Dr. Raub.

Mr. RAUB. Insofar as the legislation is concerned, the Department of Health and Human Services has taken a very pragmatic view of it. We begin by recognizing that there is a serious national problem that we think requires much better understanding and coordination among the national, State, and local law enforcement mechanisms with the various research institutions and those of us that fund that research.

I believe it's no secret that in principle the Department of Health and Human Services was pleased to see the emergence of congressional attention as manifest in the several bills. We do not claim to have the expertise to second guess the Department of Justice, and so I'd defer to Justice's analyses that existing statutes are satisfactory.

From our point of view, whatever resolution the Congress and the executive branch come to over statutes is to us only the framework for getting on with the broader recognition of this problem and doing something about it.

Mr. STENHOLM. Mr. Nakamura, you stated in response to a question of Mr. Rose that, at least from the claims made by these organizations, the same folks that burned down the livestock auction and have done other damage to farmers and ranchers claim to be the same people.

Mr. NAKAMURA. Yes, that's correct.

Mr. STENHOLM. So, there is reasonable evidence that the groups breaking into research laboratories are the same people that are doing damage to farmers and ranchers.

Mr. NAKAMURA. Yes, that's correct.

Mr. STENHOLM. So if that is a reasonable assumption, then, it would naturally follow, at least to me, that we should attempt to answer the question as to whether these activities are in fact nationally organized and are intended to eventually cause a certain outcome.

Mr. NAKAMURA. Congressman, that's absolutely correct. And in my testimony when I mentioned the unusual nature of these activities, this is exactly what I meant.

Agriculture itself is not at this point—perhaps the damage in dollar terms is not that great. However, if the philosophy that the very extreme groups are taking, and if that is their reason, this is going to have a tremendous impact on all of agriculture. And we feel as an agricultural industry that that is a great threat to the entire industry. And this is somehow, whether in fact or not, the claims are being made that this is an organized kind of an effort.

Mr. STENHOLM. If a group would threaten to kill a dean a month until such-and-such outcome occurred, that would be terrorism.

Mr. NAKAMURA. I absolutely agree.

Mr. STENHOLM. Again, that's the purpose of this hearing today. And that's the question that I would like to see us arrive at an answer.

The basic question that we, I would hope, would find an answer to in the Congress is are there additional laws needed today in order to give our law enforcement agencies the proper tools to help us with the problem.

Now if there is no problem, I would agree we're wasting our time. There is no necessity for any additional laws. In fact, this member, when we first started in this question, didn't think there needed to be any other laws. I couldn't imagine it wasn't already against the law to do some of the things that these folks are doing.

I think probably we could agree that in most cases that would be correct. But if it is something that is national or international in scope, then perhaps we ought to be looking at it. And I'm well aware that the FBI is already doing this.

Mr. Nakamura, could you go into a little more detail on the arson incident at Dixon and perhaps talk about what you might consider the shortcomings of State law or enforcement which would call for the need of Federal legislation, if there is any? Anything you could share with us on the specifics of that arson incident?

Mr. NAKAMURA. The one in Dixon. That's an auction yard, and there were two rings. The one ring was completely burned. Storage facilities were completely burned. A radio station was called to take credit for the activity.

One of the largest in terms of property value was the Davis Diagnostic Laboratory. And the purpose behind the laboratory really is to detect diseases of poultry and livestock. And it is really not primarily a facility in which they use—they do use animals, because there's certain kinds of tests such as botulism, in determining botulism on horses, that just require animals.

But in general, the facilities are used to diagnose diseases that can be not only detected but taken care of so that the entire industry is not going to be damaged by a certain breakout.

That particular incident, which is the largest as far as I know in terms of value—if the rights people were really concerned about the animal welfare and so on, this seems to be a real contradiction. Because these facilities are particularly there for diagnosing diseases. Not only for animals, but for possible transmission to humans.

Mr. VOLKMER. Mr. Chairman, in light of your line of questioning—and I understand some of the constraints that may be on some of our witnesses at the table today as to deciding what the Department of Justice should be doing. But as I listened to Mr. Maloney, it appears to me that the Department of Justice doesn't feel that this matter is very high priority. That's the impression I get.

When I ask how many FBI agents, he couldn't give me any numbers. And I doubt if there's very many involved in it.

I may not be able to stay around, but I've been reviewing the testimony of our last panel. And when I see Harry Hueston's testimony, I think that you find maybe a little different story as to maybe there should be more involvement.

My problem with just having this hearing and then not doing anything else is I don't think the Department of Justice is going to do anything more than they have been. That's why I come to the conclusion that maybe we in the Congress should make that decision for them if we think it's necessary. I personally do, because I see basically a conspiracy. And it's not just a few people, and it's not just in one or two areas of this country. It's a conspiracy to try and get more and more people involved in doing this. And like you say, it may be even international as far as that's concerned.

When it comes to wilful destruction of property—especially the importance of research to health and the future of this country—I put a little more importance on it than I feel the Department of Justice does.

Mr. STENHOLM. Mr. Condit.

Mr. CONDIT. Mr. Chairman, I'd just like to follow up and respond to your question. I think we need to do it too. I think we need to do it because there's going to be a number of States that are going to go the other way. They're going to outlaw animal research. I think we ought to have some uniformity, and I think it's an important thing for us to do.

But I would like to ask Mr. Nakamura—all the cases that you've cited today, was anyone ever convicted or prosecuted? Do you know?

Mr. NAKAMURA. I don't believe so. There might have been one, but at this time I'm not sure which one that was. But just in the majority of the cases, nothing.

Mr. CONDIT. Were they actively pursued by any agency within the State when a State facility was burned or threatened?

Mr. NAKAMURA. I think with the Davis, because of the magnitude of that, yes, there has been. But I really can't give you an accurate assessment to the extent of the law enforcement activities, no.

Mr. STENHOLM. Dr. Raub.

Mr. RAUB. Just two examples along that line. In the case of the break-in and theft at the University of Oregon, there was a successful prosecution. Also, in an incident at the NIH where a peaceful demonstration turned ugly and resulted in the breaking in of our front door, there was a recent conviction for the destruction of Government property.

Mr. STENHOLM. What were the penalties?

Mr. RAUB. The penalty included a year's probation, including being forbidden from being on an NIH campus for that year; payment for the repair of the door—approximately \$750; and a fine, I believe, of \$100.

Mr. STENHOLM. I may have some additional questions to submit to each of you for the record in writing.

I thank you very much for your testimony today. Again, the purpose of these hearings is to focus on whether or not there is a need of additional law in these areas. And I think your testimony, as well as that which we'll hear in just a moment, clearly indicates that there is a major problem out there that does need to be focused on.

The question is whether or not local law enforcement has all the tools to go after organized groups that go from State to State and

perhaps nation to nation. That's the question that we want to focus on, and we will focus on.

I think Mr. Volkmer said it best.

Thank you all for being here very much.

We'll call the next panel, Mr. Sweat, Mr. Seals, Captain Grollman, Mr. Hueston, and Mr. Hamilton.

Mr. Sweat.

STATEMENT OF O.W. SWEAT, DIRECTOR, DIVISION OF SECURITY OPERATIONS, NATIONAL INSTITUTES OF HEALTH, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. SWEAT. Thank you, Mr. Chairman.

I am O.W. Sweat, Director, Division of Security Operations, National Institutes of Health.

I thank you, Mr. Chairman, for inviting me to speak concerning the problem of attacks and threats to scientists and research facilities.

Prior to assuming my present position which I have occupied just over 4 years I was a member of the Montgomery County, Maryland police department. I joined the department in August 1959 and rose through the ranks to detective sergeant, detective lieutenant, captain, major, chief of detectives, and my final position as chief of field operations.

During this time I graduated from the University of Maryland with a degree in law enforcement administration, and I graduated with honors from the Federal Bureau of Investigation National Academy.

I served over 26 years and retired from the Montgomery County police on December 1, 1985, assuming my present position on December 9, 1985.

The Division of Security Operations has total responsibility for the protection of persons and property at the NIH enclave only. The reservation encompasses over 300 acres, 60 buildings and approximately 15,000 employees. The Division is comprised of two branches—the Police Branch and the Crime Prevention Branch.

The Police Branch is comprised of sworn police officers whose primary responsibilities are patrol duties, traffic enforcement and criminal investigations.

The Crime Prevention Branch is comprised of highly trained security specialists and locksmiths whose primary duties are divided between risk assessment, security education, prevention methodologies and installation, maintenance and repair of sophisticated locking systems.

During the past 3 years we have observed a dramatic increase in animal rights, as distinguished from animal welfare, activities. For example, the NIH itself has experienced demonstrations by animal rights activists on November 9, 1987 at which we made 44 arrests, April 21, 1988, 40 arrests, and April 24, 1989 with 21 arrests.

This last demonstration was unusual in that the demonstrators became violent and broke down the first set of double doors in an unsuccessful attempt to gain entry into the Shannon Building which is the main administration building of the NIH.

We have recently learned that another demonstration is planned for this coming April 24.

The Division of Security Operations, by virtue of its role, keeps abreast of animal rights activity by reviewing wire service reports and exchanges of information with other biomedical research institutions funded in whole or in part by the NIH. This constant review of national public information has revealed a serious escalation of illegal activity, including burglaries, thefts of animals, bomb threats, personal threats, arson and firebombing incidents.

The trend toward violence is undeniable and, unfortunately, appears to be the prevalent method of operation for certain segments of the animal rights movement.

Accordingly, the NIH has taken steps to enhance its security through the use of costly security initiatives which have added a cost of over \$1 million in just the past year. For example, we have added extra police officers solely to protect certain laboratory buildings, extra contract guards to protect our Poolesville animal facility, and various state-of-the-art technologies such as closed circuit TV, locking devices and alarm systems.

Due to the fact that approximately 80 percent of the NIH's budget is expended to fund research nationwide, our office is looked to for advice and guidance in security related issues. This has resulted in both national and international recognition in our efforts to provide our counterparts with the information necessary to protect the lives of their scientists and the scientific enterprise.

In conclusion, we have observed an alarming increase of illegal acts. This is not a local problem, as some may perceive. Rather, it is a national and, indeed, international problem that requires the best efforts of both Government and law enforcement to effectively protect the lives of scientists and the biomedical research enterprise.

This concludes my prepared remarks. I'd be pleased to answer any questions.

[The prepared statement of Mr. Sweat appears at the conclusion of the hearing.]

Mr. STENHOLM. Mr. Seals.

STATEMENT OF THOMAS C. SEALS ON BEHALF OF THE INTERNATIONAL ASSOCIATION FOR HEALTHCARE SECURITY AND SAFETY

Mr. SEALS. My name is Thomas Seals.

I'd like to thank this committee and you, Mr. Chairman, on behalf of the International Association for Healthcare Security and Safety for the opportunity to speak on this matter.

The topic of protecting research facilities is critical to members of our association, as we are charged with protecting the healthcare environment of our institutions. And this includes patients, visitors, medical staff and employees and the physical plant for most healthcare institutions which usually house education and research facilities.

I am a past president of the international association, and I served on its board of directors for 7 years. In addition, I have some different personal credentials in that I am an attorney, presently

with the firm of Heideman, Cardin and Zink based here in Washington. I have both a bachelor and a master of science degree in criminology from Cal State, Long Beach. I have 25 years of experience in law enforcement, and have attended numerous law enforcement and security training programs. I am also a graduate of the FBI National Academy.

I have 18 years of direct responsibility as a law enforcement security administrator providing security and protection in health-care institutions.

The International Association for Healthcare Security and Safety believes it's necessary that Federal legislation be directed at protecting research facilities and providing for criminal and civil sanctions aimed at those who break into, remove or destroy the contents of these facilities.

Most healthcare facilities are private, or are in a position where they must rely on public law enforcement to identify, to pursue and to apprehend those who break into our facilities.

State and local law enforcement agencies' authority have geographical limits. These agencies must request assistance from Federal authorities when an identified felony suspect is believed to have left the State in order to avoid prosecution. The U-flight process is somewhat burdensome.

If in fact the State attempts extradition, then it's necessary to go through a very laborious process whereby the county court must issue a warrant which goes to the Governor's office of that State, is then forwarded to the Governor's office of the receiving State or the State where the person was apprehended, it goes from there to the county court which is exercising personal jurisdiction over the individual, and then that person is entitled to hearings in order to fight extradition. All of this takes place before the person is returned to the jurisdiction where the crime was committed. Obviously this is a time-consuming and burdensome process.

A Federal statute would provide for much more efficient enforcement initiatives by Federal agencies without having to wait for a request for assistance from State and local officials.

There are many examples of statutes on the books where there is concurrent jurisdiction. But when a State boundary has been crossed or there is evidence of a national or international conspiracy the Federal Government agencies can initiate action without having to wait for State and local law enforcement. A good example of this is the bank robbery statute—a Federally defined crime. Typically bank robbery is defined as an armed robbery in every State of which I'm aware.

It appears to us that animal liberation activists are well schooled in the workings and the limitations of our criminal justice system, as they frequently cross State lines prior to claiming credit for their actions.

Law enforcement priorities are such that we do not expect an immediate change merely by the passage of a statute. However, the statutory authority, once it is in existence, is important when information comes to a Federal agency in a State other than where the incident has occurred.

There's problems in subpoena powers from one State to another. A court that has information regarding a suspect or evidence

cannot issue a subpoena which will be honored in another State. Consequently there is ample time for evidence to be destroyed prior to ever being able to track these folks down and apprehend them.

And in fact the U.S. attorney's office has subpoena powers which are nonexistent at the State level.

All of these activities would be greatly beneficial to identifying, investigating, apprehending these perpetrators of animal liberation movements.

The International Association for Healthcare Security and Safety and its members are opposed to any amendments or legislation which would declare open season on animal research facilities by saying in essence that it's OK to break in and destroy valuable research if you can find evidence of violation of Federal regulations relating to the Animal Welfare Act.

We believe that our researchers have an interest in maintaining the health and welfare of their animals. And if it is believed that increased oversight and vigilance is necessary, then we think the Federal agencies should be authorized and funded to a level which is adequate for increased inspection and enforcement capability along the lines which already exist or perhaps modeled after that of the Nuclear Regulatory Commission, the Occupational Safety and Health Administration or the Environmental Protection Agency.

Increased whistle-blower protection should be expended for laboratory employees who report violations. And we think that there should be a channel where those violations could in fact be investigated by an appropriate agency.

While we don't believe that priorities will necessarily change overnight, once the tools are in place—and we see these statutes as tools—we believe that Federal legislation aimed at criminal activities directed against research facilities should provide for an information system to track and pattern the actions. Without this we're still going to be sitting dead in the water.

We suggest a program modeled after the FBI's National Bomb Data Center. The FBI, in addition to the Uniform Crime Reporting System, already tracks and maintains a data center for bombings, explosive and incendiary devices and incidents where these items are involved.

There must, in addition to this data base, also be an authorized method of disseminating the information to those of us who are charged with security of the research facilities.

The cost of protection without Federal legislation and without some additional initiatives will make research costs prohibitive. We in the healthcare environment have experienced increasing liability with costs regarding waste, medical waste, infectious waste, hazardous waste. We've also experienced increased liability with regard to criminal acts against visitors, guests and patients by third parties.

We feel that that risk is greatly increased if people think they can break into our research facilities with immunity.

The cost for security is increasing. We utilize very sophisticated methods to protect our facilities. We utilize personnel—well trained, well equipped personnel. We back them up with closed cir-

cuit television systems, with computerized alarms and access control systems.

Many of these systems are considered as one-time expenditures. However, they do age and they must be replaced. In addition, if we spend \$1 million on a system we can count on spending at least 10 percent of that on an annual basis in order to maintain the system.

The costs are getting to be prohibitive. We need some assistance, we believe, from the Federal legislation in helping to deter this activity.

Thank you very much for the opportunity to speak.

[The prepared statement of Mr. Seals appears at the conclusion of the hearing.]

Mr. STENHOLM. Captain Grollman.

STATEMENT OF ELLIOTT GROLLMAN, CAPTAIN, DIGNITARY PROTECTION/TERRORISM/COUNTERACTION, FEDERAL PROTECTIVE SERVICE, GENERAL SERVICES ADMINISTRATION

Captain GROLLMAN. Thank you, Mr. Chairman.

I'd like to enter my statement into the record, along with some articles that I have had published on the subject.

Mr. STENHOLM. Without objection.

Captain GROLLMAN. Thank you, sir.

I'd like to state first for the record that our position as far as a lot of this issue related to terrorism, be it animal rights, antinuclear—things along those lines—is one of neutrality. The law enforcement community does not take sides with one particular industry or the Government versus a particular issue. Our only involvement is when those individuals become involved with terrorism and break the law that we become involved with that.

At the same time, we also want to point out that we're not trying to suppress any group's right to legally demonstrate and to restrict their freedom of speech. We're only concerned where they actually go out and break the law.

The majority of the people in the animal rights community are law abiding citizens. There's only a few who do go out and commit acts of terrorism, like the Animal Liberation Front. A lot of other special interest groups within the abortion movement, radical environmentalist movement, peace groups, and so forth, have also committed terrorist acts in the name of their movements. And of course the Animal Liberation Front is doing that with their terrorist acts in support of the animal rights movement.

The FBI, which is the lead agency for terrorism, did not list the Animal Liberation Front as responsible for any terrorist activity until April 16, 1987, when they committed arson at the University of California at Davis. However, the ALF first struck in the United States in 1977 when they stole two dolphins from the University of Hawaii in Honolulu.

Some people get concerned with the term terrorism relating to animal rights groups. However, I'd like to talk about that a little bit, particularly with the ALF. The ALF goes back to anglo-saxon roots, just like our Government does. The ALF in Great Britain was originally formed in 1976 by Ronnie Lee and Cliff Goodman. They actually evolved earlier from a group known as Band of

Mercy which evolved in 1974 from an even earlier group known as Hunt Saboteurs Association which was first started in 1962.

Interestingly enough, Ronnie Lee, one of the main brains behind the ALF, admits that the ALF is formed in the image of another group, the Irish Republican Army.

In May of 1977 American activists followed the examples of their brothers in the United Kingdom and formed their own ALF. They committed their first act in Hawaii where they stole the two dolphins.

Since that time the ALF has committed over 80 acts of terrorism, stolen over 2,400 animals and committed over \$6 million in damage.

The ALF even has their own terrorist training manual known as Direct Action for Animals. This is modeled after the Minimanual of the Urban Guerilla written by Carlos Marighella. The minimanual is a terrorist training bible, as it were, used by many terrorist organizations around the world.

The Animal Liberation Front also uses the standard pyramid structure of terrorist organizations headed at the top by its leadership, next followed by its action cadre of activists—the ones who actually go out and commit the terrorist acts—then followed by its active supporters who provide logistical support, fund raising, media exposure, et cetera, and then its base of passive supporters who demonstrate and sign petitions.

The Animal Liberation Front even has a support group known as the Animal Liberation Front Support Group which sells commemorative T-shirts honoring their raids and thefts. They call them direct actions and liberations. We in the law enforcement community call them terrorism, arson, burglary, larceny, etc. They also use the typical terrorist cell organization which is done to protect the identity of those within the movement.

For the past few years I've worked with the Federal Protective Service, with other law enforcement agencies in the area like NIH and the FBI. We're concerned with those properties under control of GSA. I believe that attacks on research facilities in particular will continue to rise.

In some areas that the ALF has targeted, like the antifur campaign, they have been somewhat successful. Like the recent news that Harrods of London will cease selling furs. However, within the biomedical field the National Academy of Sciences and other related groups have said that it is essential—as they've said here today—to use animals in their research.

In addition, last year the American Medical Association issued an Animal Research Action Plan to its membership to actively counter the arguments of the animal rights community. This has enraged some of the animal rights movement personnel, and they are concerned that the biomedical research community is starting to fight back.

Recently the ALF has started to target specific individuals like Dr. Morrison of the University of Pennsylvania. He was here recently to testify before Congressman Waxman's subcommittee.

Last year an animal rights activist, apparently acting alone, planted a bomb with the intention of murdering the head of the U.S. Surgical Corporation in Norwalk, Connecticut. Because of

inside information the bomb was disarmed and the individual was not harmed. But I believe it's only a matter of time before someone dies in the name of animal rights.

As to what can be done to protect research facilities, as some of the people on this panel have already alluded to, there's many physical security devices that can be implemented to protect these facilities. They are not cheap. However, when you look at the cost of the research which would be stolen and damage done, we feel that they are cost-effective.

One thing that we definitely need to do a lot about is that of gathering intelligence. If we have legislation that would add to the Federal effort, this would make a nationwide clearinghouse that we could work together on gathering intelligence.

Problems like with the ALF operating in independent cellular structures make them particularly difficult to infiltrate. They operate around the country and under many different police jurisdictions. Because there's so many jurisdictions involved, a lot of this intelligence is not universally shared.

Additionally, police agencies are restricted from investigating animal rights groups unless they have committed crimes or are planning criminal acts. Therefore, the police usually find themselves in the position of being reactive and responding after the terrorist act has been committed rather than in a position to prevent the terrorist act.

Within each jurisdiction of the United States there are statutes covering these particular crimes. However, as we know, it is growing. I believe that Federal legislation would help.

As I mentioned, Congressman Waxman had a hearing here on February 8 under H.R. 3349, the Health Facilities Protection and Primate Center Rehabilitation Act. So it is an issue which everybody is starting to recognize needs additional legislation and attention.

Now for those that already believe that committing violations of the law will not stop them, another law will not do that. However, it will aid in the investigation of those crimes, the intelligence about those crimes, and possibly prevent them.

If the legislation is passed, this would put the FBI behind that and provide their resources to assist them.

To my knowledge, other than the FBI there are no other Federal or State law enforcement agencies that specifically maintain statistics on research facility break-ins unless they occur within their respective jurisdictions.

I appreciate the opportunity to speak before you today, and I'll answer any questions that I can.

[The prepared statement of Captain Grollman appears at the conclusion of the hearing.]

Mr. STENHOLM. Mr. Hueston.

STATEMENT OF HARRY HUESTON II, ASSISTANT CHIEF OF POLICE, UNIVERSITY OF ARIZONA

Mr. HUESTON. Thank you, Mr. Chairman.

I'd like to summarize my enclosed statement.

My name is Harry Hueston. I'm the assistant chief of police at the University of Arizona police department located in Tucson, Arizona.

On April 3 at 5 a.m., I was notified by my on duty supervisor of a penthouse on the fifth floor of our microbiology building that was on fire. As I was responding to the university, a radio dispatcher stated another fire had been started in one of our converted houses located off campus. I went to the fire scene and saw that it was the director of our animal research facility.

The house was completely destroyed, along with computer equipment and some other research material associated with the university during the past year.

I was notified of additional damage found by our officers in two other laboratories on our campus. The damage was extensive, and included graffiti stating "ALF, animals liberated now, stop Nazi torture, no more torture, animals are not research tools, scum, nowhere is safe, you can't hide from the ALF and we shall return".

By the way, I would like the clerk, if she would—I have pictures that I need back, but I would like you to see these pictures of the destruction that was caused, Mr. Chairman.

Our officers had to spend hours talking to each of the professors, graduate students and other employees to learn the extent of damage each laboratory represented to their research and in destroying their academic careers. Several students and professor lost experiments they had been working on for over three years, and now would have to reconstruct their personal lives due to the destruction the ALF caused. The damage caused by the ALF attack now has exceeded one-half million dollars.

As our investigation continued, our officers pieced together the following information. On April 2 and 3, 1989, two teams of the ALF known as the Animal Liberation Front burned one home, one penthouse laboratory and destroyed two research laboratories on the University of Arizona campus. Within 45 minutes of this attack the ALF released a three-page press statement to all of Tucson's media stations and newspapers claiming the responsibility for this attack.

The release told exactly what the ALF had done, and provided the Tucson community with its first experience in dealing with animal rights terrorists. And it claimed that all the 1,200 animals that were now liberated in this incident had been used in medical research.

Twenty-four hours later the ALF sent channel 9 in Tucson a videotape of their members destroying one of our laboratories. This videotape was transmitted from the People for Ethical Treatment of Animals, known as PETA, headquarters here in Washington, DC, to Tucson.

This type of action indicates the ALF is a highly organized group whose resources are tied to an international organization, and whose membership is skilled in the methods of terrorism and destruction.

Our investigation of all four crime scenes found no usable evidence left by the suspects.

Additional support of the national nature of the ALF appeared in the attached newspaper article by Carla McClain entitled, "Lab violence: ALF tells why."

This article related the exact details of the attack, how it was planned, related the rationale behind the attack, and provided law enforcement with its only firsthand inside information on the ALF.

As indicated, the ALF released these animals because of their suggestion to medical research.

Of the 1,200 animals taken, some were being used in medical research. Ironically, though, 60 of the mice that were taken were being used in a heat experiment to evaluate how the desert heat affects animals.

It is also important to note in the article that the escalation of violence employed by this group will expand. As stated, over the past 100 years people have been trying to stop animal research by letters and protests. The next step in escalation is to burn and destroy animal research facilities and laboratory centers. The attacks will continue.

I began research on the type of attacks this group had done in the United States in the past several years. The University of California at Davis provided me with a great deal of information regarding their lab destruction that occurred in April 1987 by this same group.

I was then surprised to see that there was no central organization that had access to all the information available on this group. Federal help was extremely limited. The FBI had little or no information on this group locally. In fact, there is one agent assigned to the ALF, or the terrorist animal rights group, right now in the United States. And this assignment was understandable considering the UC Davis attack in 1987 where the FBI was invited to investigate the 4.4 million dollars' worth of destruction to a Federal research facility on their campus.

This lack of available support in gathering intelligence was very time consuming. How can law enforcement prevent continuation of attacks by the animal rights terrorist movement?

I believe there's four viable solutions that would aid in the prevention of future attacks. One, there's a need to have a centralized data base. Two, there's a need for the FBI to become involved in monitoring any known terrorist animal rights groups. Three, a stringent screening of all applicants and employees working in animal research areas by the animal research personnel. And, four, a mandatory sentencing for all individuals arrested, prosecuted and found guilty of causing destruction to any animal research facility.

The centralization of a data bank on all reported crimes and activities associated with animal rights groups will provide invaluable information on the extent of the attacks the group has committed, evidence could be collected and subsequently checked against arrested members, and suspected members, and intelligence information gathered would assist local law enforcement on how to deal with the new animal rights organizations that are developing in their areas.

Also, due to the fact that the number of suspects that are actually arrested are limited, and since the majority of the rest are misdemeanors, it's hard to get national records on misdemeanor ar-

rests. By enacting a Federal legislation which would make any attack on any animal research facility a felony, the records of all the arrested individuals could be accessed and disseminated to all law enforcement agencies experiencing animal rights terrorism.

A commitment by the FBI is important to become involved in the policing of any animal rights movement, and is vital to the centralization of a data bank. The one agent that is currently assigned is being transferred.

This data is valuable, and needs to continue to be handled at a Federal level. The FBI has the resources and the authority to become involved in this type of action. Local law enforcement needs to have accessibility to vital information in preparing for the future actions these groups have planned.

Also, there is a strong indication that these groups have infiltrated the research area. There's a need to have an in-depth background investigation on applicants and personnel working in animal research facilities. The purpose of these background investigations is to screen animal rights activists from being employed, and to alert the employer of the presence of animal rights activists in their research facility.

Now I realize this is a drastic measure. However, when police investigations proceeding an attack indicate there was inside help, effective action must be taken. By screening potential employees, this may curtail the infiltration these groups have used in past attacks.

Finally, the last solution involves enacting legislation making any attack on animal research facilities a Federal offense under Federal law. This would provide a strong deterrent to those individuals considering joining those groups, and provide the courts with a strong sentencing mechanism.

Finally, David Foreman, the leader of Earth First, wrote a book entitled, "ECODEFENSE". This book is the handbook for many groups such as the ALF. In his book, Foreman relates the arrest of one Howie Wolke who served 6 months in prison for pulling up survey stakes in Jackson, Wyoming.

This arrest had an impact on David Foreman and, as a result, those individuals reading his book. The impact is not to get caught and not to serve time in jail.

I believe that mandatory sentencing of individuals arrested involved in destroying animal research facilities would substantially deter those who want to become members of a terrorist organization.

If tough action is taken now, I believe that we can effectively deal with this group at a local level. However, with no centralization of information and the limited networking from one police investigator to another police investigator across the United States, I believe these groups will continue to remain unchecked in their national activity and will continue to disrupt national research which directly affects each one of us.

Thank you for your consideration in this matter.

[The prepared statement of Mr. Hueston appears at the conclusion of the hearing.]

Mr. STENHOLM. Mr. Hamilton.

**STATEMENT OF RICHARD T. HAMILTON, DIRECTOR OF POLICE,
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER**

Mr. HAMILTON. Mr. Chairman, subcommittee members. I am Richard T. Hamilton, director of police for the Texas Tech University Health Sciences Center in Lubbock, Texas.

Until 8:30 a.m. last July 4th, I was little aware of the animal rights movement, the damage its proponents can cause or the jurisdictional roadblocks hindering an investigation into this form of domestic terrorism.

Now some 8 months after a break-in at the Texas Tech Health Sciences Center I, as police chief, find my investigation at a crawl because my leads carry me over State and jurisdictional boundaries. And while the targeted research is federally funded, no Federal agency has the authority to investigate this type of crime.

That is why I, speaking on behalf of Texas Tech University, strongly support legislation that would treat as Federal crimes the thefts of research and farm animals and the vandalism of animal research and farm facilities. Such legislation extending authority to Federal agencies to investigate these crimes is necessary to combat these illegal activities and the ensuing intimidation of research scientists and institutions.

Some background about our specific case will show why.

On July 4, 1989, intruders entered our building and broke into an animal holding room, a laboratory and an office, all used by physiology professor, Dr. John M. Orem. The intruders stole five cats used in Dr. Orem's sleep research, damaged \$70,000 in laboratory equipment, and stole two videotapes and assorted documents, including Dr. Orem's last will and testament.

On a tiled wall of the animal-holding room the intruders left their spray-painted calling card "Don't mess with Texas animals—ALF".

The next day the Washington-based organization People for the Ethical Treatment of Animals, or PETA, disseminated a news release saying the Animal Liberation Front had forwarded to them materials taken in the break-in.

Two days later PETA's national director, Ingrid Newkirk, came to Lubbock where she held a news conference and distributed edited copies of the tapes stolen in the burglary and selected photos of cats used in the experiments.

Our investigation at the scene and materials PETA distributed to the press during their news conference indicated this burglary was run with the precision of a commando raid. The locks at our facility were picked by means available only to professional thieves. Photos distributed by PETA show cats that were not in the holding room at the time of the burglary, indicating a reconnaissance break-in earlier in the spring.

These were highly organized professional law breakers.

In the burglary aftermath, my department of 11 commissioned peace officers found itself dealing with a national crime phenomenon, but without a national resource to assist us.

From the beginning—and certainly with PETA's immediate involvement as spokesman for ALF—our investigation led us to suspects out of State, to possible animal safe houses beyond our juris-

diction, and to evidence that can only be gathered efficiently with broader jurisdiction than is available to our university police force.

For example, we are currently investigating a lead in this case in another State. A local police department in that State is going to assist us in our investigation when they have the manpower to do so. Thus far, we have waited 4 weeks for that local force to have the time to assist us.

In addition to the burglary investigation, our office has had to deal with continued threats and harassment of Dr. Orem and Texas Tech. Dr. Orem has received death threats, and the contents of his mail have ranged from pleading letters to a letter which included a used condom supposedly infected with the HIV virus and a wish for Dr. Orem to catch AIDS.

Police property has been threatened with vandalism because we are investigating the break-in. We have increased security over our institutional computer system because of a threat to destroy our computer network unless Dr. Orem's research was stopped.

In January, vandals again tried to reach Dr. Orem's lab, but this time a locked door prevented their entry into the building. These vandals, like their predecessors, left a spray-painted calling card saying "Orem: Stop killing cats".

While I have addressed the police elements of this issue, I should also note the devastating effect such a break-in has on a researcher both personally and professionally. Dr. Orem has been the subject of continued harassment by adherents of animal rights. The unfounded allegations have subjected him to an investigation by the National Heart, Lung and Blood Institute which funds his research.

When that investigation concluded that his research and his animal protocols were exemplary, the harassment only increased. In addition, his research has been effectively suspended until he can fully restore his laboratory.

After dealing for 8 months with a variety of frustrations over this investigation, I am pleased to have the opportunity to come before you today to express my personal support and the support of my institution for H.R. 3270. We at Texas Tech see a clear need for Federal support in our ongoing investigation of the vandalism and theft that occurred at our health sciences center on July 4, 1989. We strongly support this legislation not only because of the assistance it provides local law enforcement officials once an animal break-in has occurred, but also because we believe the bill will act as a deterrent for future criminal activity associated with research animals.

[The prepared statement of Mr. Hamilton appears at the conclusion of the hearing.]

Mr. STENHOLM. Mr. Barker, do you have anything?

**STATEMENT OF KENNETH L. BARKER, VICE PRESIDENT,
RESEARCH AND ACADEMIC SUPPORT, TEXAS TECH UNIVERSITY**

Mr. BARKER. I would just add very briefly that we cannot over-emphasize the effect of the intimidation that is currently going on among scientists, institutions, future students who wish to be researchers and perhaps subtly the intimidation of members of the

scientific community who are called upon from time to time to serve as members of the peer review panels which evaluate research and evaluate as a follow-up to the crimes which have occurred.

As indicated in previous testimony, Professor Adrian Morrison was a member of the panel which came from the National Heart, Lung and Blood Institute to our institution to review our protocols and Dr. Orem's research. And as an aftermath he was intimidated with calling cards indicating that he should not support such people as Dr. Orem.

We are very concerned for the basic fabric of scientific research from these attacks.

Thank you.

Mr. STENHOLM. Gentlemen, maybe you could enlighten me—one or several of you—as to how a national director, Ingrid Newkirk, can come supposedly from Washington to Lubbock, have in her possession edited copies of the tapes that were stolen, and not be arrested.

If I robbed a bank and proudly came back to town and said "I've got the money" or at least evidence I probably have done it, I suspect I'd be arrested.

What is it that we're missing here? What allows someone like that to come back and have stolen documents and not be arrested?

Captain GROLLMAN. Sir, from what I understand, that issue has been brought up and their response is that the films anonymously arrive in the mail. It hasn't gone beyond that.

Mr. STENHOLM. Is anybody from the Department of Justice still here?

[No response.]

Mr. SWEAT. Excuse me, Mr. Chairman. In reference to your question, to my knowledge she has never shown up with the actual stolen material, but copies of. So the analogy between showing up with the money or a copy of it, a photocopy, would apply.

She shows up quite frequently, as you may know, representing or being spokesperson for the ALF. They deny any knowledge as to how to contact the ALF, and they receive the information, according to her, through courier. It winds up on her doorstep mysteriously.

Mr. STENHOLM. I guess I'm a little curious as to why at least the local law enforcement wouldn't make an arrest and make life a little more difficult on those folks.

Mr. HAMILTON. Well, speaking for my part, Mr. Chairman, we were totally ignorant of anything that would have taken place such as that. I mean, this is something new in the field that we don't deal with on a daily basis. And then all of a sudden it hits us. We're trying to do as much research into it to find out what the next step is. So we were totally caught by surprise on the situation like this.

Mr. STENHOLM. I think that statement reflects, again, the main purpose of this hearing and why we are trying to focus some attention on the problem if it is national in scope. It is extremely difficult to deal with an organized national effort when it's the first time. I understand that.

Like I say, I wish the Department of Justice would have been here to listen to your testimony. I think it would have been helpful. We'll see that they get copies of it.

Mr. Hueston, you are the one who listed four specific things. I'd like to get a comment from each of the rest of you concerning the four viable solutions which would aid in the prevention of future attacks. One, a centralization of a data bank.

Do all of you concur with that? So you would concur that a data bank in which we would have a method for all law enforcement to assimilate cases, evidence, and so forth, would be very helpful?

Mr. SEALS. Mr. Chairman, if I may. The centralized data bank is critical to tracking and developing any kind of pattern for these activities. There is another portion of that in that a lot of research facilities come under the private sector.

It would also be necessary for us to really provide protection if there's a means for communicating information from that data bank not only to the public law enforcement agencies but to security officials charged with protecting research facilities.

Mr. STENHOLM. The second suggestion from Mr. Hueston was a commitment from the FBI to become involved in the monitoring of any known terrorist animal rights groups. Do all of you agree that this would be helpful? You've pretty well stated so in your testimony.

A stringent screening of all applicants and employees working in animal research areas by the animal research personnel.

Now that one raises all kinds of red flags to one who has been involved in lie detector test controversies, and so forth, in the Congress.

Mr. Hueston, you might go a little further. What kind of screening—or maybe some of the rest of you I'd like some comments from. What kind of screening are you suggesting should be put into place in these type of research institutions?

Mr. HUESTON. I knew that would raise a red flag. But my problem as a police chief is that in the investigation of our crime and subsequent crimes we found that there was definitely inside help. I think the gentleman from Lubbock also noticed there was a reconnaissance mission, for lack of a better term, that occurred in his place.

We've identified several animal rights activists within our university that are very outspoken.

But I also feel that by the development of a centralized data bank we can bounce names off of each other that we'd recognize. It's very tough to track individuals who you can't get firsthand information from.

So my idea, and the idea of putting that in, would be that the researchers themselves are the experts. I'm certainly not an expert in this area. I think it would facilitate them knowing that if we had a list of people and that list was randomly run through a centralized data bank, which wouldn't take too long, that we could identify known individuals that are (a) either applying, or (b) there.

Mr. STENHOLM. Have either of you been involved to any degree in the hate crimes effort of assembling data banks now on various groups that get involved in so-called hate crimes?

Captain GROLLMAN. I have a little bit, sir, that's being done quite a bit in Montgomery County here locally.

Mr. STENHOLM. You have been?

Captain GROLLMAN. A little bit, sir.

Mr. STENHOLM. Is there anything that you might suggest to the subcommittees that we might look at that particular effort and learn something?

Captain GROLLMAN. Yes sir. But it would have to be done on a nationwide level to make it effective to all the different police jurisdictions.

Mr. HUESTON. Mr. Chairman, one other thing too. There is, due to the increase of gang violence associated with some of our universities now—there is a mechanism called a gang card which provides a simple 5 by 8 type of index card that is currently being filled out by law enforcement agencies in Arizona and California in tracking known gang members. And that is all centralized within either the department of public safety or the California highway patrol.

I don't believe we need to reinvent the wheel. I think the wheel is out there, we just need to plug into it.

Mr. STENHOLM. I would concur with that. I know one thing those of you in law enforcement do not need is more Federal regulations telling you how to do your job.

What about the mandatory sentencing for all individuals arrested, prosecuted and found guilty of causing destruction to any animal research facility? Mandatory sentencing.

Mr. Hueston, it was in your testimony. So the rest of you—do you agree or disagree?

Captain GROLLMAN. Well, sir, I believe it may make some individuals think twice. Plus, if you add the Federal legislation to that and you add in the resources of the FBI to make—one thing you have to do with it—not just have the legislation, but you have to have the resources to make apprehension and prosecution a reality. So I think if that prosecution and imprisonment becomes more realistic, then the potential for that mandatory sentence would have more teeth.

Mr. SWEAT. Mr. Chairman, I take a slightly different tack than that. What we need in the law enforcement community is the ability and the necessary tools to make apprehensions. Once we make apprehensions and identifications, and legitimate charges follow, I think that the necessary convictions will follow.

But I think the first thing we have to do is have the tools that we can make an apprehension. And right now we do not have those tools.

Mr. STENHOLM. Considering the subject before the subcommittees?

Mr. SWEAT. Quite correct, yes sir.

Mr. SEALS. Mr. Chairman, if I may, speaking from an attorney's perspective, mandatory sentencing has certain implications that tend to make it a little more difficult many times to get that conviction. I think most courts feel like they have within their discretion a sufficient amount of sentencing capabilities.

I have to agree with Mr. Sweat that what we need are the tools to identify and apprehend and obtain the convictions. Those are the real critical needs that we have right now.

Mr. STENHOLM. I have no further questions. Perhaps we will have some additional questions to submit to you over the next several days for the record. If so, I know you'll be more than willing to respond.

I thank you very much for taking time to be here and to be a part of this hearing today.

At this point I would like, for the record, to submit a statement of Animal Rights Movement, Illegal Incidents Summary in the United States, from a period of 1981 until the present time. We would like to have this submitted for the record at this time.

[The material follows:]

ILLEGAL ACTIVITIES DIRECTED AT ANIMAL RESEARCH FACILITIES AND SCIENTISTS
 COMPILED BY THE DIVISION OF SECURITY OPERATIONS,
 NATIONAL INSTITUTES OF HEALTH

79

DATE	INCIDENT	INSTITUTION	COMMENT
5/29/77	Theft	Univ of Hawaii Honolulu, HI	2 dolphins stolen
3/14/79	Theft	NY Univ Med Ctr NYC	1 cat, 2 dogs, 2 guinea pigs stolen
12/4/80	Theft	Univ of S. Florida Psych Dept, Tampa, FL	55 gerbils, 35 rats stolen
9/11/81	Infiltration; police confis- cation; animals impounded	Inst for Behavioral Research Silver Spring, MD	17 monkeys taken into custody
4/2/82	Theft	Univ of Md, Animal Sci Dept, Baltimore, MD	42 rabbits stolen
12/25/82	Break-in	Howard Univ, Med Sci Bldg, Washington, DC	28 cats stolen (\$2,640)
12/25/82	Theft	Univ of Fla, School of Med, Miami, FL	2 rats stolen
12/27/82	Theft	US Naval Research Lab Bethesda, MD	1 dog stolen
12/28/82	Theft	Univ of Calif Berkeley, CA	1 cat/2 kittens stolen
3/20/83	Bomb threat	Chicago Med Research Facility, Chicago, IL	

<u>DATE</u>	<u>INCIDENT</u>	<u>INSTITUTION</u>	<u>COMMENT</u>
10/83	Theft	Univ of Md. College Park, MD	rabbits stolen
12/23/83	Break-in	Harbor-UCLA Med Ctr Los Angeles, CA	12 dogs stolen (\$58,000)
12/24/83	Theft	Johns Hopkins Univ, Psych Dept, Baltimore, MD	6 rats stolen
4/84	Break-in	Calif State Univ at Sacramento, Psych Dept Sacramento, CA	25 rats stolen (\$1,900)
5/16/84	Theft	Calif State Univ Psych Dept Sacramento, CA	23 rats stolen
5/31/84	Break-in/theft	Univ of PA, Head Injury Lab Philadelphia, PA	Video tapes stolen
7/22/84	Theft	Univ of PA, School of Vet Med Philadelphia, PA	1 dog stolen
7/28/84	Break-in	Univ of PA, School of Vet Med Philadelphia, PA	4 cats, 1 dog, 8 pigeons stolen
9/5/84	Bomb threat/vandalism	Director, Calif Primate Ctr, Davis, CA	Spray-painting; ticking package left
11/28/84	Bomb threat	Natl Cancer Inst Bethesda, MD	

DATE	INCIDENT	INSTITUTION	COMMENT
11/10/84	Bomb threat	Univ of Nevada School of Med, Las Vegas, NV	
12/9/84	Break-in	City of Hope Research Inst & Med Ctr Duarte, CA	112 animals involved (\$7,000) 13 cats, 21 dogs, 18 rabbits, 50 mice stolen Disrupted \$500,000 of research
12/22/84	Threats	Three Researchers Univ of Calif San Diego, CA	
1/85	Theft	Univ of Minnesota	1 dog stolen
1/14/85	Death threat	Univ of Calif, School of Med, San Diego, CA	Death threat to professor causes cancellation of seminar
4/11/85	Vandalism	Univ of Calif, Davis, Vet Med Teaching Hosp Davis, CA	Spray-painted messages on Univ vehicles
4/20/85	Break-in	Univ of Calif, Riverside, CA	approx 460 research animals lost (rats, mice, pigeons, cats, opossums, gerbils, monkey). Many documents and videotapes were stolen. \$600,000 damage.
4/23/85	Demonstration/Trespassing	Univ of Calif, Riverside, CA	
5/23/85	Trespassing	Univ of Calif, Davis Davis, CA	Disruption of veterinary classes
7/15/85	Sit-in ; ;	Natl Inst of Health (re: Head Injury Lab at U/Penn) Bethesda, MD	Offices occupied for 3 days

DATE	INCIDENT	INSTITUTION	COMMENT
9/9/85	Vandalism/ threats	Principal Investigator NY State Psych Inst., NY	
4/21-22/86	Attempted break-ins	Univ of Calif, River- side, Riverside, CA	
5/86	Vandalism	Simonsen Labs Gilroy, CA	12,000 pathogen-free rodents exposed to contaminants (\$165,000)
10/26/86	Break-in	Univ of Oregon Eugene, OR	150 animals: cats, rabbits rats, hamsters, pigeon lost to research (\$50,000 damage)
12/7/86	Break-in, theft	SEMA, Inc Rockville, MD	4 chimpanzees lost to research Internal documentation stolen (\$50,000 damage)
4/16/87	Vandalism	Univ of Calif, Davis Davis, CA	State-owned vehicles painted and damaged.
4/16/87	Fire/arson	Univ of Calif, Davis Davis, CA	\$3,500,000 damage to diagnostic lab under construction.
5/20/87	Vandalism	Greathall Scientific Corp, Sacramento, CA	Slogans were spray-painted.
8/12-13/87	Break-in	Univ of Nevada-Las Vegas, Las Vegas, NV	3 goats lost to research
8/23/87	Break-in/Libera- tion/vandalism	USDA Animal Parasitology Inst Beltsville, MD	7 miniature pigs and 37 cats liberated; spray-painted slogans on building
11/9/87	Trespassing	Natl Inst of Mental Hlth, Bethesda, MD	40 arrests made for trespassing

DATE	INCIDENT	INSTITUTION	COMMENT
1/22/88	Break-in/theft/ vandalism	Agricultural Research Ctr, Beltsville, MD	27 cats, 7 African pigs stolen. Animals infected with contagious disease that could have serious effect on humans.
1/29/88	Break-in	Univ of Calif Irvine, CA	13 beagles lost to research
4/21/88	Trespassing	Natl Insts of Health Bethesda, MD	42 arrests made for trespassing; 2 charged with resisting arrest.
4/21/88	Break-in	UCLA Brain Research Inst, Los Angeles, CA	Videotape of lab animals released to local media.
8/15/88	Break-in/theft	Loma Linda Univ Loma Linda, CA	7 dogs and transplant records stolen; slogans spray painted ALF on the walls; (\$10,000 damage).
9/24/88	Vandalism	Univ of California Santa Cruz, CA	7 activists arrested for spray-painted slogans on buildings and walkways.
11/11/88	Pipe Bomb	US Surgical Norwalk, CT	Planted remote-controlled pipe bomb next to parking space of U.S. Surgical's president.
12/23/88	Bomb scare	Animal Laboratory Stanford University San Francisco, CA	Fake bomb wrapped as Christmas present was addressed to Dir of Lab Animal Med; police responded.
1/6/89	Break-in	Vet Administration Tucson, AZ	4 dogs lost to research; kennels broken into.
4/3/89	Break-in/theft/ arson	Univ of Ariz	1,200 animals stolen (mice, rabbits, guinea pigs, pigs, frogs, rats). Telephone threat made.

DATE	INCIDENT	INSTITUTION	COMMENT
4/24/89	Trespassing/ Assault	Natl Insts of Health Bethesda, MD	Broke down doors of main administrative Bldg. 1, charged with destruction of property. Arrests made by NIM Police; 2 charged w/assault on police officer. Mont. Co. police issued 36 citations for blocking Visc Ave traffic. \$750 damage. Three activists indicted, two for assaulting a police officer, one for destroying govt. property.
7/4/89	Break-in/ theft/ vandalism	Texas Tech Lubbock, TX	5 cats stolen. Broke electronic equipment and stereotaxic devices. Spray-painted wall.
Between 1/13 and 1/14/90	Break-in	Univ of PA Philadelphia, PA	Broke into Professor's office and stole manuscript, computer discs; wrote threats with chalk on board; participants called newspaper and stated break-in was a gentle warning to professor.

02/14/90

Mr. STENHOLM. If there is nothing further, this hearing will stand adjourned.

[Whereupon, at 1:10 p.m., the subcommittees were adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

TESTIMONY OF
PAUL L. MALONEY
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

Thank you for inviting me to appear here today on behalf of the Department of Justice to discuss animal research facility protection. I understand that this is an oversight hearing and that you have some specific topics that you would like me to address. It is also my understanding that three bills are pending in this Committee which deal generally with this subject matter. At the outset, let me state emphatically that the Department of Justice shares the concerns of the Subcommittees and of the research community and others about the attacks committed against animal research facilities and their personnel. We are certainly committed to doing our part to ensure that persons who commit such acts are brought to justice and appropriately punished.

As you know, however, the Department has recommended against the enactment of new legislation to combat illegal acts at research facilities. It is with some reluctance that the Department takes this position, for, as I said before, the Department is certainly sympathetic to the problems faced by research facilities and scientists who have been the victims of criminal acts and harassment. However, despite our sympathy to the aims of some of these bills, the Department cannot endorse the creation of new federal criminal legislation which, in our view, would add nothing to the prosecution of these types of offenses. Indeed, enactment of this kind of proposal might serve only to raise the hopes and expectations of the research community to unrealistic levels.

- 2 -

The Department's position is grounded upon several considerations. First, to the degree that this type of legislation proposes to punish attacks on federally funded research facilities which involve significant theft, loss, or destruction of property, it merely duplicates the protections of the existing federal criminal code, (Title 18 of the United States Code). Sections 641 (theft of government property), 666 (theft from program receiving federal funds), 667 (theft of livestock), 844(i) (arson or bombing), and 1361 (destruction of government property), of that title together reach the same conduct. These offenses carry substantial penalties, including up to ten years imprisonment in most cases. Second, to the degree that this type of legislation proposes to reach less egregious conduct, such as vandalism, it would constitute an unnecessary extension of federal prosecutive power into a class of offenses traditionally prosecuted by state authorities. Burglary, breaking and entering, destruction of property, and depredation of fixtures are common law or statutory crimes everywhere in the United States. Unless the damages inflicted are substantial, the Department believes that these offenses are best left to local prosecutors. In accordance with longstanding practice, the services of the forensic laboratories of the Federal Bureau of Investigation are available to local authorities which request them. Finally, if such legislation were to be enacted, the Department believes it likely that there would be few, if any, prosecutions under it. United States Attorneys

- 3 -

could, and probably would, well exercise their prosecutorial discretion to charge serious offenses under the more familiar provisions of the criminal code, while continuing to decline the less serious cases in favor of local prosecution.

Let me say a word about prosecutorial discretion. Prosecutorial discretion to decline to go forward with a case, or to accord misdemeanor treatment to a case which could be classified as a felony, is a practice of very long standing. It is employed by prosecutors everywhere, at all levels of government. Crime victims almost invariably feel that prosecutorial discretion has been abused if it results in "knocking down" charges or declining a case. But as you know, resources are limited at the federal level as well as at the state level. In view of the emphasis that has been placed on other high priority areas such as drugs, organized crime, and white collar crime, especially financial institution fraud, the exercise of prosecutorial discretion in theft and destruction offenses is essential and necessarily results in a rather limited federal role.

This does not mean that we consider these offenses trivial or that a federal court is not a proper forum for prosecuting some attacks on research facilities. Where an offense involves a great deal of damage or appears to be related to such an offense, federal involvement is obviously appropriate.

There has been concern expressed about the failure of prosecutors and investigators to appreciate the value of damage to

- 4 -

half-completed research and to research animals that laboratory break-ins can cause. Although prosecution policies based on value can and do vary from district to district within the federal system, the courts, not prosecutors, are the final arbiters on valuation. Placing a value on half-completed research, or on research animals which have special value only to researchers, is a very difficult task. Normally, "value" means fair market value, or what a willing buyer would pay a willing seller. Although it might be possible to alter the method by which value is calculated, the Department believes that this is an area in which Congress should act cautiously.

In conclusion, Mr. Chairman, let me say that I appreciate the frustration that members of the research community must feel over these incidents. Like the victims of any crime, they quite understandably and justifiably want the perpetrators apprehended and punished. I can only agree and promise that the Department of Justice will continue to do its part to see that this occurs. Only vigorous enforcement of our criminal laws, at the State and Federal levels, will assist in eliminating these despicable acts.

This concludes my statement. I will be glad to address any questions the Subcommittee members may have.

STATEMENT OF

WILLIAM F. RAUB, PH.D.

ACTING DIRECTOR

NATIONAL INSTITUTES OF HEALTH

Mr. Chairman and Members of the Committee:

I am William F. Raub, the Acting Director of the National Institutes of Health (NIH). Thank you, Mr. Chairman, for inviting me to testify on behalf of the Department of Health and Human Services on an increasingly serious problem--break-ins into animal research facilities by those who oppose the use of animals in biomedical research. My colleagues throughout the biomedical community and I view such unlawful protests by animal rights extremists as beyond the tolerance of a civilized society. Not only are these terrorists threatening the rights of scientists to work without intimidation, but also, and more importantly, they are endangering the future health of the American people.

I am grateful, Mr. Chairman, for the opportunity to express our concerns about the extent to which Public Health Service (PHS)-funded research has been interrupted by crimes perpetrated against animal research facilities. We welcome Congressional interest in the impact of unlawful raids on animal facilities and threats to researchers in the name of protecting animals. It is imperative that together we raise public consciousness on this issue, and in so doing, assure scientists that they are valued contributors to society who deserve protection, not indifference.

As you know, health research is an initiative conducted in large part with Federal funds. As the principal health research agency for the Federal Government, the NIH supports a large number of

projects involving animals. The NIH could not fulfill its mission to improve human health without animals. Depending on the type of research in question, the NIH recognizes the potential for using invertebrates, lower vertebrates, microorganisms, cell and organ culture systems, and nonanimal systems such as mathematical and computer models. However, those who assert that new laboratory and computer technology make animal use unnecessary are simply not correct. For example, there is a need to use living systems for studies on cardiovascular function and disease; functions of the brain and nervous system, including vision, memory, pain; the biology of organ transplantation; and behavioral research, including drug and alcohol addiction, mental illness--most of these areas of research are on the frontiers of today's science.

The medical advances that have brought freedom from disease and suffering to millions of human beings--the development of vaccines for polio, influenza, rabies, tetanus, diphtheria, and whooping cough; insulin for diabetes; radiation and chemotherapy for cancer patients; organ transplants; and antibiotics--have only been realized through research using animals. Moreover, the greatest advances in biomedicine lie before us. So long as scientists have the freedom to choose an appropriate animal model, the treatment and cure for AIDS, cancer, heart disease, schizophrenia, and Alzheimer's disease are within our reach. To scientists and clinicians, the essentiality of animals to

progress in biomedical research is obvious. We believe that the vast majority of Americans endorse our commitment.

Assaults on animal research laboratories, which almost invariably result in the theft of animals and the destruction of property, equipment, and records, are often planned and executed by militant factions within animal rights organizations. The PHS has reports of 71 incidents involving criminal acts committed during the past eight years against facilities using animals, including break-ins, thefts of animals, bomb threats, arson, and other acts of violence.

Although break-ins result in the loss of property and equipment, the most serious cost is the loss of valuable information that might have been applicable to the development of new or improved treatments and cures, which would reduce human disability, suffering, and death. It is almost impossible to estimate the impact or place a price tag on the benefits that might have been applied to human disease. Moreover, the failure of bright and dedicated people--physicians, biochemists, biologists, and other research specialists--to pursue a career in the field of biomedical research is a major concern to the NIH.

I feel confident, Mr. Chairman, that the vast majority of biomedical scientists are people who want to see that all laboratory animals are properly cared for and responsibly used.

As people who have dedicated their careers to the study of life processes in health and disease, they bring both expertise and sensitivity to animal experimentation. In addition, they recognize that meaningful results cannot be achieved by mistreating animals.

Moreover, Federal and local statutes, regulations, and policies set forth standards for the humane care and use of laboratory animals. The PHS has exercised strong leadership in this direction through its Guide for the Care and Use of Laboratory Animals first published in 1963 and in developing and implementing the PHS Policy on the Humane Care and Use of Laboratory Animals at institutions that receive PHS funds for support of biomedical research involving animals. In addition, regulatory oversight by the U.S. Department of Agriculture (USDA) enforces the provisions of the Animal Welfare Act.

Even before a research application is sent to the NIH, the PHS Policy and USDA Regulations require that a local Institutional Animal Care and Use Committee, composed of veterinarians and scientists and at least one nonscientist and one member not affiliated with the institution, review the study. Every applicant must justify the use of animals in that research and demonstrate that the procedures with animals avoid or minimize pain and distress. Also, the Committee inspects animal holding areas at least semiannually and must report any deficiencies to

the Institution for correction. These requirements also apply to research that the PHS conducts intramurally. The NIH Office for Protection from Research Risks has the responsibility for the general administration and coordination of the Policy and promptly evaluates all complaints of alleged Policy violations that are brought to its attention.

Furthermore, Federal law also mandates that research grant applications be reviewed by two panels of experts chosen for their competence in relevant biomedical disciplines; the second panel in the sequence also includes laypersons. These panels recommend only the most meritorious projects and research and ascertain that the proposed studies will use appropriate numbers and species of animals and be conducted in ways that safeguard animal subjects from unnecessary pain and distress.

At present, there are a number of legal routes for the public to question specific research involving animals. Established, legitimate groups interested in the humane care and use of animals are well aware that biomedical/behavioral research is conducted in public, with information publicly available from research institutions, the scientific literature, the PHS, and other public sources. The vast majority of information gained through the illegal activities of animal rights organizations could have been obtained through simple, legal means. If members of the public have concerns about specific research, they can

submit complaints to the NIH Office for Protection from Research Risks, the USDA's Animal and Plant Health Inspection Service, and, in individual states, to other legal channels.

In conclusion, Mr. Chairman, progress in medical research is dependent on the use of appropriate animal models. The NIH takes seriously its responsibility to foster compliance with animal welfare guidelines and is confident that its system is indispensable both for the proper care and use of animals and for the success of the research.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you may have.



GEORGE DEUKMEJIAN
GOVERNOR

State of California

WASHINGTON OFFICE OF THE GOVERNOR
305 HALL OF THE STATES
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001
(202) 347-6891

OVERSIGHT HEARING ON ANIMAL RESEARCH FACILITY PROTECTION

Subcommittee on Department Operations, Research and
Foreign Agriculture

House Committee on Agriculture

February 28, 1990

John T. Nakamura
Washington Representative
California Department of Food and Agriculture

Congressman Brown and colleagues, thank you for the invitation to appear before you today. Humane treatment of animals used for food, breeding, research and education has been the goal of the California agricultural industry for years. Protecting the health and welfare of animals has been good business for ranchers and researchers alike. Ranchers profit from well-cared for animals, while researchers make discoveries which result in great health benefits for man.

Recently a disturbing trend has been sweeping across the country. "Animal rights" activists and their sympathizers have expressed their protest by destroying millions of dollars worth of public and private property. Protests have included vandalism and arson. Animals have been released and utilities shut off, disrupting research projects and causing the death of the animals that the activists were trying to protect.

I would like to document, for the record, some of the "acts of protest", which we term vandalism, that have taken place in

California.

January, 1989. Dixon: A private livestock saleyard was burned. Damage was estimated at \$350,000.

January and May, 1989. Sacramento: A livestock association building was defaced and property destroyed on two separate incidents within a six month time period.

January, 1988. University of California, Irvine: Estimated damage to research and equipment, \$50,000. Disrupted a study of the causes and possible cure for sleep apnea.

April, 1987. University of California, Davis: A veterinary diagnostic laboratory under construction, intended for the discovery of animal diseases, including those transferable to humans, was severely damaged by arson. Physical damages were estimated to be \$5 million.

April, 1985. University of California, Riverside: Damage to research and equipment was estimated to be over \$400,000.

These are just a few examples of vandalism that have occurred in the State of California in the past few years.

Obviously, the livestock industry and the bio-medical research programs in California are in jeopardy due to these activities. Current law is not sufficient to address the unusual nature of

these crimes. There is a hidden cost, beyond the value of property, that is extracted. For researchers, valuable data and time are lost, delaying extended projects. Long term consequences could include loss of grants in this area and fewer researchers entering the field. In addition, ranchers now require additional security due to the harassment they have received. This increases their operating costs and subsequently raises the cost to the consumer.

Additional legislation may be needed, particularly on the federal level, to invoke stiffer penalties which will act as both a deterrent to the crimes and a stronger incentive to law enforcement agencies to apprehend the perpetrators. California Department of Food and Agriculture would be in support of legislation designed to increase monetary and imprisonment fines related to vandalism to a research institution in which animals are being housed or used in research or to an agricultural operation including agricultural trade associations.

TESTIMONY OF DR. JOAN ARNOLDI
DEPUTY ADMINISTRATOR, REGULATORY ENFORCEMENT AND ANIMAL CARE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE
FEBRUARY 28, 1990

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU THIS MORNING TO DISCUSS THE PROBLEM OF CRIMES AGAINST BIOMEDICAL AND AGRICULTURAL RESEARCH FACILITIES. AS THE AGENCY CHARGED WITH ADMINISTRATION AND ENFORCEMENT OF THE ANIMAL WELFARE ACT (AWA), THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS) HAS FOUND ITSELF IN THE MIDDLE OF THE GROWING CONTROVERSY SURROUNDING RESEARCH FACILITY BREAK-INS.

WE IN THE DEPARTMENT OF AGRICULTURE (USDA) BELIEVE THAT ANIMAL RESEARCH IS BENEFICIAL, INDEED CRUCIAL, TO SOCIETY. WE ALSO BELIEVE THAT ANIMALS IN RESEARCH FACILITIES SHOULD BE GIVEN HUMANE CARE AND TREATMENT. WE CONDEMN CRIMES AGAINST RESEARCH FACILITIES THAT HAVE DESTROYED YEARS OF VALUABLE RESEARCH. MANY OF THESE EXPERIMENTS ARE DEALING WITH INFECTIOUS AGENTS THAT ARE DANGEROUS TO OTHER ANIMALS AND TO PEOPLE. PEOPLE WHO "LIBERATE" ANIMALS FROM RESEARCH FACILITIES PUT ALL OF SOCIETY AT RISK BECAUSE THEY ARE UNAWARE OF THE TYPES OF CONTAGION TO WHICH THE ANIMALS MAY HAVE BEEN EXPOSED. ACTS WHICH RECKLESSLY RISK THE SAFETY OF THE GENERAL POPULATION ARE UNCONSCIONABLE. THE ANIMALS THEMSELVES MAY BE PLACED AT RISK ONCE THEY ARE REMOVED FROM THE REGIMEN OF CARE THEY RECEIVE IN THE FACILITY. WE APPLAUD YOU FOR HOLDING THIS HEARING TO ADDRESS SOME OF THESE DIFFICULT ISSUES.

IN YOUR LETTER INVITING US TO APPEAR HERE TODAY, YOU ASKED US TO ADDRESS

SEVERAL QUESTIONS. I WOULD LIKE TO ADDRESS EACH QUESTION SEPARATELY. YOU ASKED THE EXTENT TO WHICH WE FEEL AGRICULTURAL RESEARCH FACILITIES ARE AT RISK FOR DESTRUCTION OF PROPERTY AND RECORDS, INTERRUPTION OF EXPERIMENTAL PROTOCOLS, AND HARASSMENT OF RESEARCHERS. YOU ALSO ASKED US TO IDENTIFY ANY TRENDS THAT APPEAR TO BE EMERGING BASED ON OUR DATA. IT IS DIFFICULT FOR US TO ASSESS THE RISK TO AGRICULTURAL RESEARCH FACILITIES COMPARED WITH OTHER TYPES OF FACILITIES. WE BELIEVE THAT ALL FACILITIES ARE AT RISK AND IT APPEARS, BASED ON MEDIA REPORTS, THAT CRIMES AGAINST RESEARCH FACILITIES ARE ON THE RISE. USDA DOES NOT KEEP STATISTICS ON THE NUMBER OF BREAK-INS OR SUBSEQUENT INVESTIGATIONS. WE UNDERSTAND SOME DATA IS KEPT BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND WOULD DEFER TO THAT DEPARTMENT FOR A MORE DETAILED RESPONSE.

IN A RELATED QUESTION, YOU ASKED US TO PROVIDE FIGURES ON THE DOLLAR COST TO AGRICULTURE FROM ACTS OF BREAKING AND ENTERING AGRICULTURAL RESEARCH FACILITIES AS WELL AS THE INCREASE IN DOLLARS NECESSARY TO PROTECT RESEARCH FACILITIES. THE AGRICULTURAL RESEARCH SERVICE (ARS) HAS ESTIMATED THAT THE COST OF PREVENTIVE SECURITY AND REPLACEMENT OF PROPERTY DAMAGED THROUGH BREAK-INS AT ARS FACILITIES COULD ADD ABOUT 5 PERCENT TO THE COST OF DOING RESEARCH. ALTHOUGH ANY FIGURE WE MIGHT PROVIDE ON THE COST OF LOST RESEARCH TO AGRICULTURE WOULD BE SPECULATIVE, THE COST COULD BE VERY HIGH.

ALTHOUGH APHIS DOES NOT HAVE ANY SPECIFIC ENFORCEMENT RESPONSIBILITIES CONCERNING BREAK-INS AT RESEARCH FACILITIES OR OTHER ANIMAL FACILITIES, LAWS DO EXIST ON ALL LEVELS TO PROTECT AGAINST BREAK-INS, THEFT, VANDALISM, OR OTHER THREATS AGAINST LIFE OR PROPERTY, AND WE BELIEVE THESE LAWS SHOULD BE VIGOROUSLY ENFORCED. IT IS OUR DUTY TO COOPERATE IN ANY LAW ENFORCEMENT INVESTIGATION AND TO REPORT CRIMES TO APPROPRIATE LAW ENFORCEMENT OFFICIALS.

MANY OF THE BREAK-INS THAT HAVE OCCURRED HAVE BEEN INVESTIGATED BY LAW ENFORCEMENT OFFICIALS. UNFORTUNATELY, WITH CRIMES OF THIS NATURE, IT CAN BE VERY DIFFICULT TO UNCOVER ENOUGH EVIDENCE TO CHARGE OR PROSECUTE A SUSPECT.

YOU ALSO ASKED US TO DISCUSS THE ROLE OF THE INSTITUTIONAL ANIMAL CARE AND USE COMMITTEES AS POSSIBLE CONDUITS FOR INFORMATION LEAKS TO INDIVIDUALS AND ORGANIZATIONS THAT MIGHT ENCOURAGE FACILITY BREAK-INS AND/OR HARASSMENT.

WHILE WE UNDERSTAND YOUR CONCERN ABOUT THE LEAKING OF INFORMATION THAT COULD ENCOURAGE ILLEGAL ACTIVITY, THE RELEASE OF CONFIDENTIAL INFORMATION BY ANYONE ON A COMMITTEE IS UNLAWFUL AND IS PUNISHABLE BY FINES OF UP TO \$10,000 AND IMPRISONMENT OF UP TO 3 YEARS. WE TRUST THAT THESE PENALTIES WILL SERVE AS AN EFFECTIVE DETERRENT TO INDIVIDUALS WHO MIGHT CONSIDER PROVIDING CONFIDENTIAL INFORMATION TO OUTSIDE INDIVIDUALS OR GROUPS.

RATHER THAN SERVING AS CONDUITS FOR LEAKS, WE BELIEVE THAT THE COMMITTEES CAN HELP ALLEVIATE THE PUBLIC'S CONCERNS BY SERVING TO GUIDE RESEARCH INSTITUTIONS IN HUMANE CARE AND TREATMENT AND ENSURE COMPLIANCE WITH THE REGULATIONS. ONE OF THE DUTIES OF THESE COMMITTEES IS TO REVIEW RESEARCH PROTOCOLS TO ENSURE THAT EXPERIMENTS ARE NOT DUPLICATIVE AND THAT THEY DO NOT USE ANIMAL MODELS UNNECESSARILY. ALTHOUGH THE PUBLIC IS NOT PERMITTED TO REVIEW RESEARCH PROTOCOLS OR EXPERIMENTS, THE INCLUSION ON THE COMMITTEE OF A MEMBER OF THE COMMUNITY WITH AN INTEREST IN THE PROPER CARE AND TREATMENT OF ANIMALS CAN HELP ENSURE THAT ALL OF THE COMMUNITY'S INTERESTS ARE MET. BECAUSE THE COMMITTEES WILL HAVE A STRONGER PRESENCE IN THE RESEARCH INSTITUTIONS, THEY CAN MONITOR ACTIVITIES MORE CLOSELY. THE FACT THAT THE COMMITTEES ARE COMPRISED, IN PART, OF PEOPLE WITHIN THE INSTITUTION WILL MAKE IT MORE LIKELY THAT RESEARCHERS AND CARETAKERS OF THE ANIMALS WILL TRUST THE JUDGMENT AND GUIDANCE OF THE COMMITTEES. CHANGES THAT COME FROM WITHIN AN INSTITUTION ARE

LIKELY TO BE MORE POSITIVE AND CONSTRUCTIVE THAN THOSE THAT ARE IMPOSED FROM WITHOUT.

WE FIRMLY BELIEVE THAT CRIMINAL ACTS AGAINST RESEARCH FACILITIES ARE NOT THE SOLUTION TO PUBLIC CONCERNS ABOUT THE TREATMENT OF RESEARCH ANIMALS.

IRONICALLY, SUCH ACTS MAY, IN FACT, RESULT IN AN INCREASED USE OF ANIMALS TO REPLICATE DATA LOST THROUGH THEFT OR VANDALISM. WHERE THE CRIME INVOLVES SERIOUS PROPERTY DAMAGE, INJURY, DEATH, OR THREATS OF INJURY AND DEATH, WE WOULD CERTAINLY CHARACTERIZE THE ACT AS "TERRORISM", OR THE SYSTEMATIC USE OF ILLEGAL VIOLENCE AND INTIMIDATION TO ACHIEVE A POLITICAL END. WE RECOGNIZE THAT THE PUBLIC HAS A LEGITIMATE RIGHT TO EXPECT THE HUMANE TREATMENT OF ANIMALS AND APHIS WILL DO ITS PART IN ENFORCING THE ANIMAL WELFARE ACT TO SEE THAT THIS EXPECTATION IS MET. IN CARRYING OUT OUR RESPONSIBILITIES, WE INSPECT FACILITIES PERIODICALLY. IN ADDITION, WHENEVER WE RECEIVE LEGITIMATE COMPLAINTS ABOUT THE CARE OF ANIMALS IN A FACILITY, WE FOLLOW UP AS QUICKLY AS POSSIBLE.

IN SPITE OF THE MOUNTING PRESSURES ON ALL SIDES OF THIS ISSUE, WE MUST MAINTAIN OUR PERSPECTIVE AND NEUTRALITY AS REGULATORS, BUT WE ARE NOT NEUTRAL ABOUT CRIMINAL ACTS. WE MUST POINT OUT THAT THESE SO-CALLED "ANIMAL LIBERATORS," IN ADDITION TO COMMITTING CRIMINAL ACTS, ARE CAUSING NEEDLESS PAIN AND SUFFERING TO THE ANIMALS THEY PURPORT TO PROTECT. WE ARE COMMITTED TO THE VIGOROUS ENFORCEMENT OF THE ANIMAL WELFARE ACT AND WE STRONGLY REJECT THE NOTION THAT THERE IS ANY JUSTIFICATION FOR CRIMINAL ACTS AGAINST RESEARCH FACILITIES.

AS REGULATORS, OUR ROLE IN ENFORCING THE AWA INCLUDES:

- (1) ESTABLISHING AND ENFORCING STANDARDS FOR HUMANE CARE AND TREATMENT OF

ANIMALS REGULATED UNDER THE ANIMAL WELFARE ACT, INCLUDING MONITORING AND REGULATING THE OPERATIONS OF THE INSTITUTIONAL ANIMAL CARE AND USE COMMITTEES. THIS INCLUDES, AS I MENTIONED BEFORE, REQUIRING COMMITTEES TO ASCERTAIN THAT RESEARCH IS NOT DUPLICATIVE AND THAT IT DOES NOT USE ANIMAL MODELS UNNECESSARILY;

(2) EDUCATING THE PUBLIC ON OUR ROLE IN ENSURING HUMANE CARE AND TREATMENT OF ANIMALS, AND FOLLOWING UP ON COMPLAINTS TO ENSURE THAT GENUINE CONCERNS ARE DEALT WITH THROUGH LEGAL MEANS;

(3) EDUCATING AFFECTED INDUSTRIES ON HUMANE CARE AND TREATMENT OF ANIMALS;

(4) ENCOURAGING AFFECTED INDUSTRIES TO TAKE AN ACTIVE ROLE IN IMPROVING CARE OF ANIMALS, EDUCATING THE PUBLIC, AND ENHANCING SECURITY; AND

(5) COOPERATING WITH APPROPRIATE LAW ENFORCEMENT OFFICIALS.

APHIS STANDS PREPARED TO TAKE THESE STEPS AND TO COOPERATE WITH ANY LAW ENFORCEMENT AGENCY INVESTIGATING A CRIME AGAINST A RESEARCH FACILITY. WE MUST CONTINUE TO COMMUNICATE WITH REASONABLE AND RESPONSIBLE PEOPLE ON ALL SIDES OF THIS ISSUE TO TRY TO PREVENT THE SENSELESS WASTE AND ENDANGERMENT THESE ACTS PERPETUATE.

THAT CONCLUDES MY PREPARED TESTIMONY, MR. CHAIRMAN. I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS YOU MAY HAVE.

STATEMENT OF

MR. O.W. (JIM) SWEAT
DIRECTOR, DIVISION OF SECURITY OPERATIONS
NATIONAL INSTITUTES OF HEALTH

Mr. Chairman and Members of the Committee:

I am Mr. O.W. Sweat, Director, Division of Security Operations, National Institutes of Health. I thank you, Mr. Chairman for inviting me to speak concerning the problem of attacks and threats to scientists and research facilities.

Prior to assuming my present position, which I have occupied just over four years, I was a member of the Montgomery County, Maryland, Police Department. I joined the Department in August 1959 and rose through the ranks to Detective Sergeant, Detective Lieutenant, Captain, Major, Chief of Detectives, and my final position as Chief of Field Operations. During this time I graduated from the University of Maryland with a degree in Law Enforcement Administration, and I graduated with honors from the Federal Bureau of Investigation National Academy. I served over 26 years and retired from the Montgomery County Police on December 1, 1985, assuming my present position on December 9, 1985.

The Division of Security Operations has total responsibility for the protection of persons and property at the NIH enclave only. The reservation encompasses over 300 acres, 60 buildings, and approximately 15,000 employees. The Division is comprised of two branches--the Police Branch and the Crime Prevention Branch. The Police Branch is comprised of sworn Police Officers whose primary responsibilities are patrol

duties, traffic enforcement, and criminal investigations. The Crime Prevention Branch is comprised of highly trained Security Specialists and Locksmiths whose primary duties are divided between risk assessment, security education, prevention methodologies, and installation, maintenance, and repair of sophisticated locking systems.

During the past three years, we have observed a dramatic increase in animal rights (as distinguished from animal welfare) activities. For example, the NIH itself has experienced demonstrations by animal rights activists on November 9, 1987 (44 arrests), April 21, 1988 (40 arrests), and April 24, 1989, with 21 arrests. This last demonstration was unusual in that the demonstrators became violent and broke down the first set of double doors in an unsuccessful attempt to gain entry into the Shannon Building which is the main administration building of the NIH. We have recently learned that another demonstration is planned for this coming April 24.

The Division of Security Operations, by virtue of its role, keeps abreast of animal rights activity by reviewing wire service reports and exchanges of information with other biomedical research institutions funded in whole or in part by the NIH. This constant review of national public information has revealed a serious escalation of illegal activity

including burglaries, thefts of animals, bomb threats, personal threats, arson, and firebombing incidents. The trend towards violence is undeniable and, unfortunately, appears to be the prevalent method of operation for certain segments of the animal rights movement. Accordingly, the NIH has taken steps to enhance its security through the use of costly security initiatives which have added a cost of over one million dollars in just the past year. For example, we have added extra police officers solely to protect certain laboratory buildings; extra contract guards to protect our Poolesville animal facility; and various state of the art technologies such as closed circuit TV (CCTV), locking devices, and alarm systems.

Due to the fact that approximately 80 percent of the NIH's budget is expended to fund research nationwide, our office is looked to for advice and guidance in security-related issues. This has resulted in both national and international recognition in our efforts to provide our counterparts with the information necessary to protect the lives of their scientists and the scientific enterprise.

Conclusion

In conclusion, we have observed an alarming increase of illegal acts. This is not a local problem as some may

perceive. Rather, it is a national and international problem that requires the best efforts of both government and law enforcement to effectively protect the lives of scientists and the biomedical research enterprise.

This concludes my prepared remarks. I would be pleased to answer any questions you may have.

Oversight Hearing On Animal Research Facility Protection

Statement by Thomas C. Seals

Representing
International Association for Healthcare
Security and Safety

February 28, 1990

Mr. Chairman, members of the committee, my name is Thomas C. Seals, representing the International Association for Healthcare Security and Safety. I would like to thank the committee for this opportunity on behalf of myself and the Association. The topic before us is of critical interest to our Association because we are charged with protecting the healthcare environment of our facilities, including patients, visitors, employees, medical staff and the facilities associated with our institutions including those designated for education and research. I am a past-president of the International Association and served on its Board of Directors for seven years.

By way of personal credentials, I have a Juris Doctor degree and am an attorney associated with the firm of Heideman, Cardin & Zink based here in Washington. I have both a Bachelor of Science degree and a Master of Science degree in Criminology from California State University at Long Beach. I have over the last twenty-four years attended numerous law enforcement and security education and training programs, and I am a graduate of the F.B.I. National Academy. I have eighteen years of direct responsibility as a law enforcement officer/administrator involved in security and protection of healthcare institutions.

The International Association of Healthcare Security and Safety believes there is a need for, and supports legislation at the federal level with regard to increasing capabilities of protecting research facilities and providing for criminal sanctions for those who break into and/or destroy such facilities or their contents. Most healthcare and/or research facilities are private entities or at least are in such a position they must rely on public law enforcement agencies to pursue, investigate and apprehend violators once they leave the facilities' premises. Consequently, there is a need for law enforcement agencies at all levels to have; 1) an appreciation for the nature of risk associated with intrusion into research facilities and removing contents or animals and 2) the authority to pursue, apprehend and prosecute those guilty of criminal acts directed against these facilities.

Page 2.

There is an existing structure which is charged with the enforcement of laws at local, state and federal level. Typically, any defined crime has what is labeled as concurrent enforcement jurisdiction. One example of this would be the bank robbery statute at the federal level which also comes under the armed robbery statutes of most states. The capabilities of the law enforcement structure will be enhanced by the Heflin Bill because it enables enforcement initiatives by federal agencies without their having to receive a request from a local or state agency for assistance.

The existing process for returning suspected felons to the venue of a state court where the crime was committed is cumbersome, and provides ample opportunity for the disposal of evidence which cross state lines with the perpetrators. A search warrant or subpoena issued by a state court is not valid for service in another state because the issuing state court lacks jurisdiction over persons outside that state. Typically, the animal liberation activists have traveled into another state prior to claiming credit for their actions. Obviously, they are well-schooled in authority or lack of authority which may be exercised by state criminal courts.

We cannot reasonably expect law enforcement priorities at either the state or federal level to change based solely on passage of a new statute. It is important, however, that law enforcement agencies have the authority to take action without having to wait for a request for assistance when evidence or information is brought to the attention of that agency. This is one of the primary strengths of having a federal statute.

The members of our Association find certain provisions in Mr. Rose's proposed amendment to be appalling and frightening. We find it hard to understand that the Congress of the United States would enact legislation providing for an end which would justify the means used to obtain evidence or information. Specifically, we are referring to Section 19 (b) which would translate to a statement by Congress saying, "It's OK to break into and destroy animal research facilities if you can find evidence that that facility was in violation of federal regulations relating to handling, care, treatment or transportation of animals by the research facility."

In our opinion, this provision would open the doors for an increasing number of break-ins and would greatly magnify the risk to research facilities, their personnel and would be tantamount to wasting millions of dollars of research.

Page 3.

If the members of this committee believe there is a need for increased vigilance or enforcement of animal research regulations, in our opinion the committee should enable a federal agency to increase its inspection and enforcement capabilities modeled along the lines of the Occupational Safety and Health Administration or the Environmental Protection Agency. If, in fact, information of violations actually come from employees of animal research facilities, then we should look to providing increased whistle-blower protection by federal agencies to whom these activities are reported. We believe those agencies authorizing the research as well as those agencies conducting the research have a definite interest in that research being conducted in an appropriate fashion.

The International Association for Healthcare Security and Safety believes that with passage of a federal statute regarding the criminal activities directed at animal research facilities, that a tracking mechanism is necessary to monitor activities of groups involved with these break-ins. We suggest a computerized tracking program be developed along the lines of the F.B.I.'s National Bomb Data Center which already records information regarding fire bombings, bombings and discovery of explosive or incendiary devices. There must, however, be an authorized method of disseminating this data to the security of the research organizations of the research facilities.

Why is all this necessary? It has already been brought to this committee's attention that there are literally billions of dollars involved in research throughout the United States. As the acts directed against research facilities increase, the cost of protecting these facilities will increase substantially. Those of us in healthcare protection already have experienced increased liability and costs with regard to medical waste, infectious waste, hazardous waste and criminal acts committed against or resulting in injury to patients, visitors and others. There is a need to control the cost of protection in the healthcare environment. I would suggest to you that a small research facility would require at least two persons around the clock, one to monitor any access control or alarms and/or closed circuit television systems, and at least one to respond to determine the reason for alarms or activity within the facility.

At a conservative personnel cost of \$10.00 per hour, one post position which is around the clock coverage 365 days per year results in a cost for two posts of approximately \$200,000 per year. When you add in the cost of computerized access control, alarm systems, and closed circuit television, we begin to get an inkling that costs of protection are expensive. While the electronic systems are one-time expenditures, they do get old and have to be replaced and we can expect at least a 10% per year maintenance expense on such systems. If we are to control the cost associated with research we must also control the cost of protection.

Page 4.

We would also like to point out that there are losses other than property and the dollars spent on research. First, there is a high risk when a research facility is located in close proximity to a hospital or other type of healthcare institution. Fire is the number one safety hazard in a hospital when the moving of patients itself could become a life-threatening situation. The point here is that fire and bombings have been used as a means of attack on research facilities. Second, the risk of infection from "liberated animals" cannot be minimized. There is a tremendous risk to the general population when such animals are removed from a controlled environment. Third, we believe that for critically ill people the time lost from research efforts which have been destroyed may be of the essence.



General Services Administration
National Capital Region
Washington, DC 20407



STATEMENT

OF

CAPTAIN ELLIOTT GROLLMAN

DIGNITARY PROTECTION/TERRORISM COUNTERACTION

FEDERAL PROTECTIVE SERVICE

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS

RESEARCH AND FOREIGN AGRICULTURE

HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 28, 1990

Mr. Chairman and Members of the Committee

I am Captain Elliott Grollman of the Federal Protective Service Police. I would like want to thank this committee for the opportunity to speak before you today in an area of increasing importance, that of animal rights related criminal activity. First, I would like to outline some significant points before we get into the specifics of the animal rights Movement. Speaking from the perspective as a law enforcement officer, I want to state for the record that our position with regard to animal rights related crime or any other issue-related crimes, such as pro or anti-abortion issues, radical environmentalists, is that of neutrality. It is our duty to arrest those persons who violate existing criminal laws within our jurisdictions, be they local, state, or federal statutes. It is not our position to favor the biomedical, fur, cosmetic, farming, or educational industries over that of the animal rights community. There is no conspiracy on the part of the law enforcement community to target animal rights activists. When those activists choose to take the law into their own hands and commit arson,

attempted murder, larceny, burglary, and other violations of the law, it then becomes the concern of the law enforcement agencies which have jurisdiction.

I would also like to point out that as law enforcement officers, we are not concerned with the suppression of Constitutionally guaranteed freedoms of speech and assembly.

The majority of those members of the animal rights movement are law abiding citizens who express their grievances in legally protected means. This holds true for similar movements, such as abortion groups, anti-nuclear groups, environmental groups. Only when those few extremists go beyond legal bounds to effect their desired changes, does it become an issue for law enforcement.

Animal rights related crime is a problem. Within the United States various groups in support of varied special interests have resorted to terrorism in support of their respective causes. The terrorist group, the Army of God conducts terrorist acts in support of the anti-abortion movement; Earth First conducts terrorists act in support of the environmental movement, various peace groups conduct

terrorist acts against United States military facilities in support of the anti-nuclear movement and the Animal Liberation Front (ALF) conducts terrorists acts in support of the animal rights movement.

The FBI, which is the lead agency for terrorism in the United States did not list the Animal Liberation Front as responsible for any terrorist acts until April 16, 1987, when they committed arson at University of California at Davis, California. This is, however, extremely misleading. The ALF first struck ten years earlier when they stole 2 dolphins from the University of Hawaii Marine Lab in Honolulu.

Some of you may question the use of the term terrorism in relation to animal rights extremist crimes. I would like to briefly give a little background about that. There are many different definitions of what terrorism is. First of all, terrorism constitutes crime regardless of your definition. Terrorism also always depends on the systematic use of fear and use of the media to generate support for their cause. In my opinion, the ALF meets the criteria for a terrorist group. Let us examine a briefly the history of the ALF. Like many things in our government and society, it

draws its roots from our Anglo-Saxon tradition. The ALF was formed in the United Kingdom in 1976 by Ronnie Lee and Cliff Goodman. The ALF actually evolved from an earlier group known as the Band of Mercy which evolved in 1974 from an even earlier animal rights group known as the Hunt Saboteurs Association which was formed in 1962. Interestingly enough the main leader of the ALF, Ronnie Lee has admitted that he formed the ALF in the image of another group, the IRA.

In May 1977, American animal activists followed the British example and formed their own ALF, and committed their first act when they stole two dolphins from a Marine Lab at the University of Hawaii. Since those early days, ALF has committed approximately 80 acts of terrorism, stolen over 2400 animals, and committed over six million dollars in damage.

ALF even has their own terrorist training manual known as "Direct Action for Animals," which is modeled after the Mini-Manual of the Urban Guerrilla written by Carlos Marighella. The Mini-Manual has been translated into many languages and has been the bible for many terrorists

around the world. ALF uses the standard pyramid structure of terrorist organizations headed at the top by the leadership, followed next by its action cadre of activists who actually conduct the terrorist acts, then followed by its active supporters who provide logistical support, fund raising, media exposure etc., and then its base of passive supporters who demonstrate, sign petitions, etc. For example, ALF has a support group known as the Animal Liberation Front Support Group, which sells commemorative T-shirts honoring ALF raids and thefts. They call them direct actions and liberations. We call them terrorism, arson, burglary, larceny, and destruction of property. ALF also uses the typical terrorist cell organization. This, of course, is done to protect the identity of those in each unit and to maintain autonomy within the movement.

For the past few years, I have worked closely with various police agencies in the Washington, D.C. area as well as with police in other jurisdictions where ALF has committed acts. I have done this primarily through my position with the Federal Protective Service (FPS) in our mission to protect government facilities and personnel on

property under the control of the General Services Administration (GSA).

I have become familiar with the Animal Rights Movement and have written various articles and given several presentations on the subject. I have enclosed some of those articles to be included in the record.

I believe that attacks on research facilities and, in particular, attacks on researchers will continue to rise. While animal rights activists have been successful in their anti-fur campaigns, prompting such recent news that Harrod's of London will cease selling furs, their efforts in the biomedical research arena have been frustrated. In 1988 after studying the problem, the National Academy of Sciences issued a report on the use of lab animals in biomedical and behavioral research stating in effect that the use of lab animals was critical to their research. This dealt a serious blow to the animal rights community. In 1989 the American Medical Association issued an "Animal Research Action Plan" to its membership to actively counter the arguments of the animal rights community. This also served to anger the animal rights movement. The

biomedical community as a whole has stated its case that the use of lab animals is crucial to their research to relieve human suffering. The public as a whole supports this.

While the general public supports animal welfare, they are not ready to risk the health of their children to protect the rights of lab rats. They do not subscribe to the analogy of some activists that "a rat is a pig is a dog is a boy."

As the animal rights movement finds itself further frustrated in their pursuits and as the biomedical community has started to aggressively fight back, certain activists will resort to terrorism as their only option. Recent trends indicate that ALF has started to target specific researchers in addition to just research facilities. Just last month, Dr. Adrian Morrison of the University of Pennsylvania was targeted by ALF for his support of other researchers who were earlier victims of the animal rights movement. In 1988 an animal rights activist apparently acting alone, planted a bomb with the intention of murdering the head of the U.S. Surgical Corporation in Norwalk, Connecticut. Because of inside information, the bomb was disarmed, and the individual was not harmed. I believe, however, that it is

just a matter of time before someone dies in the name of animal rights.

As to what can be done to protect research facilities, there is much that can be done. Any facility, be it federal or local that utilizes animals in their research is at potential risk. Precautions that are normally taken to protect individuals from traditional crimes can also be used for protection against break-ins from ALF.

The use of security guards, alarm systems, key control, close circuit TV's, passwords, fences, security clearances, and other traditional physical security safeguards can assist in the protection of the facility. These security measures are expensive; however, they are cost effective, considering that their implementation could mean the difference between the protection of years of priceless and irreplaceable research or the annihilation of such.

One area, which needs improvement and can assist in this problem is that of intelligence. Police and security personnel need to monitor activities, which may indicate trends or targets.

The problems that relate to this are many. Groups like the ALF operate in independent cellular structures and are extremely difficult to infiltrate. They operate around the country and under many different police jurisdictions. Since their activities span so many jurisdictions, intelligence about their operations is not universally shared among the law enforcement community. Additionally, police agencies are restricted from investigating animal rights groups, unless they have committed crimes or are planning criminal acts. Therefore, the police usually find themselves in the position of being reactive and responding after the terrorist act has been committed, rather than in a position to prevent the terrorist act.

I am not sure the problem is one of lack of sufficient legislation. Within each level of jurisdiction in the U.S., there are statutes covering the crimes of larceny, arson, burglary, destruction of property, attempted murder, assault, and other crimes. I do feel that the problem does need to be given a larger priority since it is growing. Again, it is not a nationwide problem like drugs or child abuse, but to

those conducting research at facilities around the country it is a real day to day threat.

In the area of federal legislation, I had the opportunity to attend the hearings of February 8, 1990, before Congressman Waxman of the Subcommittee of Health and the Environment on H.R. 3349: Health Facilities Protection and Primate Center Rehabilitation Act. To enact another law would not in itself stop any individual who feels that their cause justifies their actions. They have already made a conscious decision to commit crime to "rescue animals and stop animal abuse." Federal legislation would in all probability become the responsibility of the FBI for enforcement.

This would, of course, place the resources of the FBI behind the investigation and apprehension of animal rights related crimes. If these crimes were in fact defined as terrorism, this would of course be logical since the FBI is the lead agency for terrorism in the United States.

On behalf of my agency, I monitor animal rights related crimes. Some government agencies may be involved in animal research, such as the Department of Agriculture,

Health and Human Services, Food and Drug Administration. We also work very closely with the NIH due to their frequent involvement as a target of animal rights groups.

The FBI, as the lead agency for terrorism, maintains statistics on terrorism that occurs in the U.S. As I stated earlier, ALF was first listed was in 1987; ALF activity actually started in 1977. However, it was not until 1987 that their criminal activity met the FBI's criteria as terrorist activity.

To my knowledge there are no other federal or state law enforcement agencies that specifically maintain statistics on research facility break-ins, unless they occur in their respective jurisdictions.

I appreciate the opportunity to speak before this subcommittee, and I am pleased that you are giving this serious problem the attention it deserves. I will be glad to answer any questions that you have and offer whatever services or expertise I can to this subcommittee.

(Attachments follow:)

Animal Rights Terrorism: The New Kid on the Terrorist Block

By Elliot Grollman

Those of us in the law enforcement and security community are, of course, concerned about the threat of terrorism in America. When most of us think about terrorism we tend to think of Arab terrorists, sent by Khaddafi or Khomeini, to blow up airlines; or Latin American terrorists kidnapping U.S. officials; or European terrorists leaving a car bomb outside of a U.S. military facility. However, we overlook that we do have a problem with our own home-grown domestic terrorists right here in our own backyard. Is terrorism a big problem here in the U.S. like in Europe or in the Middle East? Fortunately, statistically terrorism is a small problem in the U.S. However, who wants to have even one terrorist incident in their jurisdiction?

The terrorism that we have here is normally unique to America, in that it is caused by domestic groups concerned with local issues. Some may question the term terrorism in dealing with these groups, however, remember that it is easier to describe terrorism than to define it. Much literature has been devoted to trying to define terrorism

without much success; however, our job is to prevent, and when necessary, to counter it, not define it. The bottom line is that terrorism is crime. The only thing that makes it unique is why it was done. Kidnapping is still kidnapping whether it is done for money or political reasons, and that is how we have to deal with it.

One area recently has become of increasing concern to us, and that is of animal rights groups committing terrorist activity. While some may balk at the term of terrorist in dealing with animal rights groups, keep in mind that I am referring to those groups or individuals who commit crimes and violence in the name of their cause, not some old ladies or movie actor involved with some humane society.

The fact that animal right activists have taken up terrorism on behalf of their cause is really not so far out as you might think. The same exact thing has occurred in the anti-nuclear movement, the anti-abortion movement and the radical environmental movement. Granted, their numbers are few, however, it only takes one to make a bomb.

Within the animal rights community, I am concerned with an organization known as ALF: the Animal Liberation Front. The ALF in the U.S. derives its origins from the United Kingdom. ALF

was formed originally in 1972 and believes in what they call DIRECT ACTION. It was heavily influenced by radical left-wingers involved in the Peace movement, and radical environmentalists. It had no above-ground structure and it is estimated that there are 10 cells within the U.K. and totals over 1000 members. Over 100 members of the ALF in the U.K. have been fined and/or jailed. The ALF in the U.K. have been involved in numerous raids, release of animals, destruction of labs, etc. In one particular campaign, they let it be known that they had poisoned Mars candy bars since Mars was involved in dental experiments on monkeys. It was later disclosed as a hoax, however, the company lost quite a bit of money from loss of sales.

Now lets look at the ALF here in the United States. They staged their first known raid in the U.S. in March, 1982, when 10 animals were stolen from a lab at the University of Maryland. Their activities in California began in December, 1984, when they broke into a research institute at the City of Hope, National Medical Center in Duarte, California and stole over 100 animals used in medical research. Since then, other groups using ALF tactics have conducted raids in the Washington, D.C. area using the names Band of Mercy and True Friends. The ALF cells in the U.S. have conducted break-ins, thefts, bomb threats, arson, death threats, fire bombs and vandalism around the country against targets involved in

- 7. examining trash
- 8. surreptitious entry
- Direct Actions —
- 1. sabotaging a vehicle
- 2. stopping an approaching vehicle
- 3. fence cutting
- 4. damaging furs
- 5. smoke bombs
- 6. false fire alarms
- 7. stink bombs
- 8. jamming locks
- 9. breaking windows
- 10. spray painting

animal research, etc.

Those of you familiar with tactics and techniques of terrorism must, of course, be aware of the Mini-Manual of the Urban Guerrilla by Carlos Marighella which has become the handbook and bible of terrorists around the world. The ALF also has their own mini-manual known as Action for Animals. The terrorist tactics they utilize come direct from their manual. Let us examine some direct quotes from their training manual.

"The Animal Liberation Front is a loosely knit organization of people who bypass traditional symbolic methods of protests to help alleviate the suffering of animals, immediately through the use of Direct Action tactics.

"Damage to property designed to inflict suffering and torture on animals cannot be termed violence."

Direct Action serves three purposes:

- 1. it helps animals
- 2. it weakens the enemy
- 3. it builds the morale of the activists

"Hit the enemy where they least expect it and where it hurts them the most. Choose a target, gather intelligence, formulate a plan, carry it out and do any necessary follow-up."

Gathering information —

- 1. Personal entry
- 2. employment
- 3. disguise
- 4. fixed surveillance
- 5. inside help
- 6. bribery of employees

Just how active has the ALF been in the U.S.? According to their own literature, they have been quite busy since 1977. They classify "Liberations" (freeing of animals) and "Direct Actions" (break-in and destruction) together. According to their own statistics, their scorecard looks like Figure 1.

As animal rights activists grow frustrated over their lack of success with

(Continued on page 31)

the medical community, the fur industry, the farming industry, the cosmetic industry, etc. some of them will turn to violence. Just this past February, a faction of ALF in an interview on KRON-TV in San Francisco announced that it is broadening its targeting and may resort to violence against individuals. They stated that they are planning to

YEAR	ACTIONS	ANIMALS LIBERATED	DOLLAR DAMAGE
88	8	140	\$55,000
87	26	546	\$4,776,700
86	5	430	\$82,000
85	12	1025	\$350,500
84	12	155	\$554,000
83	4	21	\$15,000
82	5	77	\$20,000
81	1	2	\$50
80	2	90	\$5,000
79	1	5	\$1,000
77	1	2	\$10,000
Totals	77	2,485	\$5,800,000

FIGURE 1.

Terrorism

Continued from page 7

expand its war to the pharmaceutical industry and it is possible that someone in the movement could stoop to murder.

It should be noted that no one has yet died as a result of ALF Direct Actions in the U.S., however, that could change. In Nov. 1988 an animal rights activist, acting allegedly on her own, planted a bomb at the U.S. Surgical Corp. in Norwalk, Conn. in an attempt to kill the chairman of the company. Had the police not intervened due to an informant, he would have been killed. It seems only a matter of time before someone is.

Who needs to be concerned? Well,

let us look at who ALF may target. Hospitals who use animals for research. College campuses with medical schools who use animals for research. Department stores that sell furs. Farms that raise turkeys for Thanksgiving or cattle or hogs for food. Cosmetic companies that test products on animals. Animal shelters that turn over strays earmarked for destruction to medical researchers. Fast food restaurants that sell millions of beef hamburgers or chicken nuggets. The list could go on and on. The ALF picks their targets wisely and patiently. Like the IRA told the British, "We have to be lucky only once, you have to be lucky all the time." Let's be aware of the threat, before our luck runs out. ■

Clandestine Tactics and Technology

Volume XIV Report

A Technical and Background Intelligence Data Service

Animal Liberation Groups Terrorists or Saviors?

ISSUE 3

By Elliott Grollman

INTRODUCTION

It is often said that it is easier to describe terrorism than to define it. Our first reaction, normally, when you talk to Americans about terrorism is to think about hijackings, assassinations, bombings, and so forth, conducted by Arab-looking terrorists sent by the likes of Arafat, Qaddafi, or Khomeni. Within our borders, however, we too have our own, home-grown terrorists. The Ku Klux Klan with its burning cross and white robes is guilty of many terrorist acts in its bloody history, and is in fact probably the oldest terrorist group in existence. More recently we have become aware of the new neo-Nazis and Survivalists with their uniforms, guns and training camps for "survival" along with their hatred for blacks and Jews and their penchant for "holy war." These are some of the images most common to us.

We do not, however, readily agree on the definition of terrorism as we do its images. Although the United Nations and the many agencies of the United States government do not agree on what terrorism is, certain criteria are common to most definitions. They are:

- terrorist acts are criminal acts that are committed for a social, political or religious cause;
- the terrorists use their acts to create fear in the general population; and
- the terrorist act is aimed at a larger audience than its immediate victims and the terrorists use the media to gain world attention for their cause.

Within the United States, the right of dissent and freedom of speech is a constitutional guarantee. Hardly a day goes by where someone or some group is not

demonstrating about some cause, either real or imagined. Some demonstrators have individual grievances while others are part of national or international movements.

Certain causes in our recent history have become large international movements with many prominent members. Of particular note are the anti-nuclear movement, the anti-abortion movement and more recently, the anti-Central American involvement movement. Most of these groups are comprised of concerned law abiding citizens who believe in their cause and who exercise their right of peaceful dissent. However, within these movements there exists a small group of individuals who have gone above and beyond the law and adopted terrorist tactics in furtherance of their cause. The abortion clinic bombings by the Army of God and the attacks on nuclear plants and U.S. Air Force Minuteman missile sites by anti-nuclear groups rapidly come to mind.

The newest "kid on the block" is the animal rights movement. Some members of these groups have taken their cause beyond the law and our first amendment guarantees. It is not their cause that is of issue, but the tactics they employ. It is those groups of individuals who call themselves the "Animal Liberation Front" that we will examine here.

HISTORY AND OBJECTIVE OF THE MOVEMENT

Animal rights groups were originally concerned with the prevention of cruelty to animals. A group of activists, however, have shifted their attention to more specific areas, such as biomedical research; farming,



International Association of Chiefs of Police
Professional Development Division

particularly poultry and veal; the cosmetic industry and its Draize test; the consumer products industry and its LD50 test; and the fur industry and its trapping or raising of animals for fur. While some individuals in the movement become vegetarians in the belief that we should not kill animals for food and clothing, the biggest issue appears to be stopping the use of animals for research purposes.

Since most biomedical research in the United States is funded and/or coordinated with the National Institute of Health (NIH), it is this institution that has received the bulk of the media attention and most demonstrations and complaints are directed against it. The complaints and demands of these groups are:

- Increase NIH funding for the development of non-animal research models.
- Exemption without penalty for students who do not wish to use animals in their training.
- Inspection of lab facilities by people chosen by the animal rights community.
- An end to the use of pound animals in research.
- An end to psychological experimentation on animals.
- A program to phase out the use of animals in all research.
- An end to the destruction of animals for food and clothing.

ANIMAL RIGHTS GROUPS

Before we examine the underground animal rights groups or Animal Liberation Front, it is necessary to examine the above ground, legal animal rights activists who set the tone. The majority of these people are law abiding citizens who demonstrate peacefully, hand out leaflets, write letters to the editor and elected officials, and work within the system for changes in animal research. On the other side, however, are those activists who try to effect change through what they call "direct action."

As our country draws its roots as well as legal system from the United Kingdom, so does the animal rights community. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) was formed in England in 1824. Its values were the traditional prevention of cruelty to pets and other related issues. In 1874, a radical faction concerned with animals and research broke off from the RSPCA and formed the National Anti-Vivisection Society, which worked traditionally for change. In June 1898, a radical faction who wanted immediate change broke off and formed the British Union for the Abolition of Vivisection. In June 1986, it issued a statement condoning violence in stopping animal research.

While some of the British groups concentrated on animal research, others went after the British tradition of the hunt. In 1924 a radical faction separated from the RSPCA and formed the League Against Country

Sports. They have worked mainly to establish wildlife sanctuaries and prevent hunting, however in 1963 a more radical group known as the Hunt Saboteurs Association was formed. They conduct raids against hunters, spray scents to confuse the hunting dogs, obstruct hunting staff, and various other acts. Many of their members have been convicted of assault and breach of the peace.

Some of the animal rights groups active in the United States are listed below.

- *The National Association of Nurses Against Vivisection*, headquartered in Washington, D.C., has been involved in many protests.

- *In Defense of Animals* headed by veterinary doctor Elliott Katz, is headquartered in California and is active around the country. It recently sponsored a mass demonstration at NIH where 41 persons were arrested for civil disobedience.

- *The Fund for Animals* is headquartered in New York and headed by Cleveland Armory. Cleveland Armory was featured on the cover of *Parade* magazine and has recently authored a book titled, *The Cat Who Came for Christmas*. This group has been active in anti-whaling campaigns as well as saving wild burros from the Grand Canyon.

- *Mobilization for Animals* has organized annual demonstrations on April 24 at primate centers around the country.

- *Trans Species Unlimited* has been active in anti-fur rallies. Members of this group recently held demonstrations at the Hecht Company and other stores against the sale of fur coats. Prior to the demonstrations, members broke windows and threw red paint at the entrance to various stores.

There are many more groups around the country, some that deal strictly with animal legislation. People for the Ethical Treatment of Animals (PETA) is of particular importance. Claiming a membership of over 60,000, it was formed in Washington, D.C., in 1980 as an educational and activist group opposed to all forms of animal abuse and exploitation. The group was founded by Alex Pacheco and Ingrid Newkirk. A 1983 study conducted by the Office of Government and Community Affairs at Harvard University stated:

PETA is headed by Alex Pacheco, who became a national folk hero to the animal rights movement when he 'exposed' the mistreatment of animals by Dr. Edward Taub in 1981 in his Silver Spring, Maryland, laboratory. Ingrid Newkirk, a well known animal rights advocate, also a leader in PETA, which works with the animal rights network and other groups in an attempt to connect the array of animal rights crusaders PETA may pose the greatest grassroots challenge to the scientific and medical research communities. Its members are young, articulate, and dedicated.

In 1981 Alex Pacheco worked undercover as a lab assistant in an NIH-funded lab in Maryland. He

uncovered and documented abuse to the 17 monkeys used in experiments there. Due to the evidence uncovered the local police confiscated the monkeys and charged Taub with abuse. The "Silver Spring" monkeys became a national cause for animal rights activists. The case against Taub and the final disposition of the monkeys dragged on for years, and proved to be a terrible embarrassment to the medical research community and NIH and kept the animal rights issue on the front pages.

PETA has been involved in numerous protests and demonstrations around the United States. One of their major targets, however, has been the NIH for the reasons just explained. In 1985, members of PETA took over offices at NIH until they ceased funding of certain head injury experiments. The takeover lasted for a few days and ended in arrests of PETA members. Once again, PETA and NIH were on the front pages.

The thing that makes PETA stand out is the fact that whenever a raid or "liberation" is conducted around the United States by the Animal Liberation Front or a similar underground group, PETA serves as their spokesman to the media and the public. PETA also produces pictures, tapes, and communiques from the group conducting the liberation. These releases almost always occur on the same or next day following the attacks. PETA, of course, denies any knowledge of who did the "direct action." The organization agrees morally with the liberation of any animals but denies any links with the underground groups. It is this connection between PETA and the underground that is currently under investigation.

UNDERGROUND ANIMAL ACTIVISTS

The most famous or infamous of the underground animal activists is that of the Animal Liberation Front (ALF). This group has adopted terrorist tactics in its campaign for animal liberation. Some of the tactics used by the above ground groups include demonstrations, sit-ins, letter campaigns to newspaper and elected officials, lawsuits, and freedom of information requests. Underground groups, on the other hand, use such tactics as bomb threats, arson, raids, animal liberation, and destruction of research equipment and data.

The original ALF derives its origins from the United Kingdom, as do the above ground groups. The initial group of 30 people was formed in June 1976 by another group known as Band of Mercy, which started in 1972. The ALF believes in direct action and is heavily influenced by radical left-wingers involved in the peace movement and the radical environmental group, Greenpeace. It has no above ground structure and it is estimated that there are 10 cells within the UK with over 1,000 members. Over 100 members of the ALF in the UK have been fined and/or jailed. They have been involved in numerous raids, release of animals, and destruction of labs. In one particular campaign,

they stated that they had poisoned Mars candy bars since Mars was involved in dental experiments on monkeys. Although it was later disclosed as a hoax, the company lost quite a bit of money due to loss of sales.

ALF has had an impact on similar groups here in the United States. The ALF staged its first known U.S. raid in March 1982 when 10 animals were stolen from a lab at the University of Maryland. In California, in December 1984, they broke into a research institute at the City of Hope, National Medical Center in Duarte, and stole over 100 animals used in medical research. Since then other groups, such as Band of Mercy and True Friends, using ALF tactics, have conducted raids in the Washington, D.C., area.

The ALF cells in the U.S. have conducted many "guerilla" direct actions around the country, such as break-ins, thefts, bomb threats, arson, death threats, fire bombs, and vandalism.

Some of the direct actions conducted by the ALF in the U.S. were:

- April 1982—thrift—University of Maryland, 42 rabbits stolen;
- December 25, 1982—break in and theft—Howard University, loss of 26 cats at a cost of \$2,650;
- December 25, 1982—thrift—University of Florida; rats stolen;
- December 27, 1982—thrift—U.S. Naval Research Lab, one dog stolen;
- January 14, 1988—thrift—Naval Medical Research Institute, three dogs stolen;
- December 23, 1983—thrift—Johns Hopkins Hospital, six rats stolen;
- December 25, 1983—thrift—UCLA Medical Center, loss of 12 dogs, at a cost of \$58,000;
- April 22 1984—break in and theft—Virginia Medical Center, one dog stolen;
- May 16, 1984—break in and theft—California State University, 20 rats stolen;
- May 31, 1984—break in and theft—University of Pennsylvania, 70 research videotapes were stolen;
- July 28, 1984—break in and theft—University of Pennsylvania, dogs, cats, and pigeons were stolen;
- September 5, 1984—bomb threat—California Primate Center;
- September 5, 1984—bomb threat and vandalism—home of the Director of the California Primate Center;
- November 28, 1984—bomb threat—National Cancer Institute;
- November-December 1984—threatening letters sent to researchers in the U. S. and UK;
- December 9, 1984—break in and theft—City of Hope Research Institute and Medical Center, Duarte, California, 106 dogs, cats, rabbits, mice, and rats were stolen;
- December 22, 1984—death threats to researchers—University of California San Diego;

- January 1985—bomb threat—San Diego, California;
- February 13, 1985—theft and vandalism—University of California Davis, two dogs stolen;
- February 17, 1985—theft—Napa County Animal Shelter, California, 10 rabbits were stolen;
- March 11, 1985—vandalism and threats—Director, Los Angeles County Department of Animal Control;
- April 20, 1985—break in and theft—University of California Riverside, 460 rats, mice, pigeons, monkeys, cats, rabbits, possums, and gerbils were stolen;
- October 26, 1986—break in and theft—University of Oregon, 150 cats, rabbits, rats, and hamsters were stolen;
- November 24, 1986—theft and vandalism—California turkey farms, Sacramento, California, turkeys stolen;
- April 16, 1987—arson and vandalism—University of California Davis, research lab burned down, \$3.5 million damage, 18 campus vehicles vandalized;
- May 23, 1987—animal liberation—Lassen County, California, ALF members cut fence posts and wires to release horse held on Bureau of Land Management land; and
- June 12, 1987—vandalism—University of California Davis, turkey vultures released from lab.

On December 7, 1986, the True Friends group entered a lab known as SEMA in Rockville, Maryland, and liberated four chimps valued at over \$50,000. Prior to the chimps' liberation, the group entered the lab and filmed the conditions in the lab and distributed the film through PETA. The case is presently under active investigation.

In April 1987 the Band of Mercy entered a lab in Beltsville, Maryland, and liberated cats and pigs. They too filmed the animals and the conditions they were living in prior to their liberation. This case is also being actively investigated.

Some may question the use of the term "terrorists" to describe the ALF. Students of terrorism are familiar with the *Mini-Manual of the Urban Guerrilla* by Carlos Marighella, which has become the handbook and bible of terrorists around the world. In this same tradition, the ALF has their own mini-manual known as *Action for Animals*. The following quotes are extracted from this manual.

The Animal Liberation Front is a loosely knit organization of people who bypass traditional symbolic methods of protest to help alleviate the suffering of animals, immediately through the use of direct action tactics.

Damage to property designed to inflict suffering and torture on animals cannot be termed violence.

Direct action serves three purposes:

1. it helps animals
2. it weakens the enemy
3. it builds the morale of the activists.

Hit the enemy where they least expect it and where it

will hurt them the most.

Choose a target, gather intelligence, formulate a plan, carry it out, and do any necessary follow-up.

Gathering information—

1. personal entry
2. employment
3. disguise
4. fixed surveillance
5. inside help
6. bribery of employees
7. examining trash
8. surreptitious entry.

Actions—

1. sabotaging a vehicle
2. stopping an approaching vehicle
3. fence cutting
4. damaging furs
5. smoke bombs
6. false fire alarms
7. stink bombs
8. jamming locks
9. breaking windows
10. spray painting.

Inside vivisection labs it is very important to do as much damage as possible. Expensive equipment such as microscopes and computers should be damaged by pouring paint or oil over and into them. Identification cards should be removed from as many animal cages as possible... Slogans should be painted on the walls. Locks jammed and files ransacked. You may not get another chance once you have been inside so make your trip worthwhile and remember to be as quiet as possible and to use look-outs.

Their manual goes into specific details about how to carry out the actions described as well as how to operate in a covert manner and avoid police surveillance and police undercover agents. Their operations are well planned and well executed. They are set up like a military operation with emphasis on intelligence, operations, training, logistics, command, and control. Their "direct actions" are no accident, and even their publicity is planned.

To further illustrate the point, the typical pyramid structure of a terrorist organization can be described. At the top of the pyramid is the hardcore leadership and brains behind the organization. Below that is the action cadre or soldiers who actually conduct the raids or direct action for the group. Underneath them are the individuals who conduct the active support such as logistics, safe houses, equipment, medical aid, and so forth. The bottom tier is comprised of persons conducting passive support. These are the individuals who demonstrate, conduct publicity campaigns, and the like, and run the front organizations. The individuals on each level do not know others in the next level except for a select few.

After carefully examining ALF and their direct

actions, along with the front groups like PETA, it appears that their actions clearly qualify as terrorism. While their cause is a good one, their methods are questionable. Still the question remains: are animal liberation groups terrorists or saviors?

THE UNIVERSITY OF
ARIZONA
TUCSON ARIZONA

Police Department

1200 E. Lowell St.
Tucson, Arizona 85721
(602) 621-1484

Good morning, my name is Harry Hueston, II, I am the Assistant Chief of Police at the University of Arizona, located in Tucson Arizona.

On April 3, 1989 at 5:00 a.m., I was notified by my on duty supervisor of a fire burning in a penthouse on the 5th floor of our Micro - Biology building. As I was responding to our university, our radio dispatcher stated that the Tucson Fire Department was called out to another fire at one of our converted houses located off campus. I went to the fire and saw firefighters working on suppressing the fire, where the office of our Director of our Animal Research facility was located. The house was completely destroyed along with all the computer equipment and some of the research material associated with our university for the past year.

I was notified of additional damage found by our officers in two other laboratories on our campus. The damage was extensive and included graffiti stating "ALF, animals liberated now, stop Nazi torture, no more torture, animals are not research tools, scum, nowhere is safe, you can't hide from ALF, and we shall return." As our officers began discovering additional destruction in several laboratory areas, there were professors, graduate students, and employees who hurriedly came to these areas.

Our officers spent hours talking to the professors, graduate students, and other employees learning of the extent of damage each laboratory represented to their research and in destroying their academic careers. Several students and professors lost experiments they had been working on for over three years, and now would have to reconstruct their personal lives due to the destruction the ALF

caused. The damage caused by the ALF attack has now exceeded one ~~HALF~~ million dollars.

As our investigation continued, our officers pieced together information that revealed the following: on April 2nd and 3rd, 1989, two teams of the ALF (Animal Liberation Front) burned one home and one penthouse laboratory and destroyed two research laboratories on the University of Arizona campus. Within 45 minutes after this attack, the ALF released a three page press statement to all of Tucson's media stations and newspapers claiming responsibility for this attack. The release told exactly what ALF had done and provided the Tucson community with it's first experience in dealing with animal rights terrorism, and claimed all of the 1200 animals " liberated ", stolen, in this incident were being used in medical research.

Twenty four hours later, the ALF sent channel 9 in Tucson, a video tape of their members destroying one of our laboratories. This video tape was transmitted from the People for Ethical Treatment of Animals (P.E.T.A.) headquarters in Washington D.C. to Tucson. This type of action indicates that the ALF is a highly organized group, whose resources are tied to an inter - national organization, and whose membership is skilled in methods of terrorism and destruction. Our investigation of all of the four crimes scenes found no usable physical evidence left by the suspects.

Additional support of the national nature of the ALF appeared in the attached newspaper article by Carla McClain - titled " Lab violence: ALF tells why ". The ALF article related the exact details of how this attack was planned, related the rationale behind the attack, and provided law enforcement with it's only first hand inside information on ALF. As indicated in the article,

the ALF released the animals because of their suggestion to medical research.

Of the 1200 animals taken, some were being used in medical research. Ironically, 60 mice were being used in heat experiments evaluating how the desert heat affects animals. It is also important to note, the escalation of violence employed by this group. As stated in the article, for the past 100 years people have been trying by the usual means, letters, protest - to stop animal research. The next step in escalation is to burn and destroy animal laboratories and research centers. And the attacks will continue.

With this information as a background, it was interesting to note that there is no central processing bank in which background information is available on the ALF or PETA or VOA. Each one of these acronyms, represents the current initials of animal rights groups. The first two have been explained, the Voice of Animals (VOA) is the current name of the animal right's movement in Arizona and California.

I began researching the types of attacks this group had done in the United States in the past several years. The University of California at Davis provided me with a great deal of information regarding their lab destruction that occurred in May 1988 by this same group. There is no central organization that has access to all the information available on this group. Federal help was extremely limited.

The FBI had little or no information on this group locally, in fact, there is only one agent assigned to the ALF or terrorist animal rights groups in the nation. This assignment was understandable considering the UC Davis attack in 1988 where the FBI was invited to investigate the 4.4 million dollars destruction

to a federal research laboratory on the UC Davis campus. This lack of available support in gathering intelligence was very time consuming.

I am surprised there is no central repository available on these terrorist groups, known as ALF. As a direct result of the national media coverage, police chief's have networked and compiled information on animal rights terrorist attacks. How can law enforcement prevent this continuation of attacks by the animal right's movement?

There are four viable solutions which would aid in the prevention of future attacks:

centralization of a data bank

a commitment of the FBI to become involved in the monitoring of any known terrorists animal rights group

a stringent screening of all applicants and employees working in animal research areas by the animal research personnel

a mandatory sentencing for all individuals arrested, prosecuted, and found guilty of causing destruction to any animal research facility

The centralization of a data bank on all reported crimes and activities associated with animal rights terrorist groups would provide valuable information of the extent of attacks these group have committed, evidence could be collected and subsequently checked against arrested members, and suspected members, and intelligence information could be gathered to assist local law enforcement on how to deal with new animal rights groups organization in their respective areas. Since there have been

limited numbers of suspects arrested, and since the majority of these arrest are misdemeanors, there is no national record of misdemeanor arrest. By enacting federal legislation which would make any attack on an animal research a felony, the records of arrested individuals could be accessed and disseminated to all law enforcement agencies experiencing animal rights terrorist activism.

A commitment by the FBI to become involved in the policing of any animal right's group is vital to centralizing a data bank. The one agent assigned is being transferred. This data is vital, and needs to continue being handled at a federal level. The FBI has the resources and the authority to be involved in this type of action. Local law enforcement needs to have accessibility to vital information in preparing for the future actions these groups have planned.

There is strong indication that these groups have infiltrated the research area. There is a need to have indepth background investigations on all applicants and personnel working in animal research areas. The purpose of these background investigations is to screen animal right activists from being employed and to alert the employer of the presence of an animal rights activists in their research facility. This is a drastic measure; however, when police investigations proceeding an attack indicate there was inside help, effective action must be taken. By screening potential employees, this may curtail the infiltration these groups have used in past attacks.

The last solution involves enacting legislation making any attack on animal research facilities a felony under federal law. This would provide a strong deterrent to those individuals considering joining these groups, and would provide the courts with a strong sentencing mechanism.

David Foreman, the leader of Earth First, wrote a book titled ECODEFENSE. This book is the handbook for many groups such as ALF. In his book, Foreman relates of an arrest of Howie Wolke who served 6 months in prison for pulling up survey stakes in Jackson Wyoming. This arrest had a impact on David Foreman, and as a result those individuals reading his book. The impact is not to get caught, and not to serve time in jail. I believe, that mandatory sentencing of individuals arrested involved in destroying animal research facilities would substantially deter to the membership in these terrorist organizations.

If tough action is taken, I believe that we can effectively deal with these groups at the local level. With no centralization of information, no networking other than police investigator to police investigator across the United States, and no centralized intelligence information, these groups will continue to remain unchecked in their national activity and will continue to disrupt national research which directly effects each one of us.

Thank you for your consideration in this matter.

(Attachment follows:)

Lab violence: ALF tells why

By CARLA McCLAIN
Citizen Staff Writer
5-4-89

Here is the text of an interview between a Tucson Citizen reporter and a member of the Animal Liberation Front:

Citizen: What was your role in the raid on the University of Arizona?

ALF: My role was to get the animals out of the labs, get them into the vans, and get them away from the university. We took them first to a veterinarian. I won't be able to tell you any more details about the raid itself.

Citizen: What condition were the animals in and what have you done with them?

ALF: The rabbits had shaved raw spots, and appeared to be in need for some kind of skin patch testing. Some of the mice had wounds, almost as if they had been chewed by other mice. Others were very sick with cryptosporidium. It was pitiful. They had horrible diarrhea. They were covered in liquid feces. Mice are naturally very clean animals. Rats and mice groom them-

They are called terrorists, anarchists, violent fanatics and criminals by their detractors. They are the Animal Liberation Front — the highly trained and highly secretive underground animal rights army that spans two continents and seeks to release all animals from what it believes is cruel exploitation by man.

To accomplish that, ALF members strike under cover of night

selves very much the way cats do. The other animals were basically healthy, but obviously not well cared for. Those with the wounds were oozing and gaping. They lived in very tiny, bare cages.

Citizen: Were you aware that the infected mice pose a hazard to the public health, that the virus they carry could prove fatal to infants or immuno-suppressed people?

Why did the Citizen do this interview? An editorial explanation. 12A

and black hoods. They break down doors and windows, vandalize equipment, destroy records, set fires, set bombs, spray red paint, and steal — or "liberate" — animals. They commit crimes for the sake of animals, especially

animals in medical experimentation, and have rarely been caught or convicted.

Serious argument is going on within the animal rights movement over such tactics. Some believe the peaceful, non-violent civil disobedience taught by Gandhi is the only way to stop pain and suffering. But others point out that it was not until ALF broke into animal laboratories

Animal rights militants break silence on UA raid

that the public got to see what was going on inside, and some of the practices were halted.

To date, the group has struck 85 times in this country and freed thousands of animals from universities and medical laboratories. Its most damaging hit was a \$3.5 million fire at the University of California at Davis.

ALF, continued/4A

the underground railroad. Some are in foster homes, waiting to be placed, some are in permanent homes. They are now scattered all over the country. None of them is in Tucson.

Citizen: The UA raid made a lot of people angry and frightened. You set fires, you damaged and stole public property. You didn't just "liberate" a few animals. Peo-

ple see this as crime, violence, even terrorism. How do you justify that?

ALF: Unfortunately, right now there is no other way to rescue animals, to prevent their torture. I don't like to risk going to jail. This was not done on a whim. Right now, we have to rely on the U.S. Department of Agriculture and the Na-

LAB, continued/4A

ALF breaks silence on its raid at UA

Continued from 1A

On April 3, ALF members invaded the University of Arizona, setting two fires, taking more than 1,200 animals and causing some \$250,000 worth of damage. They left behind a press release claiming credit for the raid, signed their initials on walls in red paint, made headlines across the country, and vanished.

For obvious reasons, the ALF does not show its face to the public. However, in a rare exception in its 15-year history, members of ALF — those who struck the UA — have been persuaded to talk to the mainstream press, in an interview with the Tucson Citizen.

The Citizen sought the interview because ALF members have so rarely been questioned directly about what it does and why. Because the ALF has been unavailable, press coverage of the UA raid has been limited to the UA side of the story.

The interview required lengthy negotiations through public telephone booths and was arranged through several intermediaries who used aliases.

After several changes of plan, the Citizen reporter was told to show up at a public Tucson parking lot wearing a red scarf. She was taken by an unidentified person to the Tucson airport, handed a plane ticket to a destination that had remained unknown until the last minute.

The Citizen paid for the plane ticket and all payments were made in cash at the demand of the ALF and intermediaries.

After flying out of state to a major U.S. airport, the reporter was met by a member of the ALF, who was disguised by a wig and dark glasses, dressed in a business suit, and who spoke only under a guarantee of anonymity.

As a method of determining whether the person had been a participant in the UA raid, the reporter asked for details on it and was told enough information to satisfy her that the person had been a participant.

—Carla McClain

Lab violence: ALF member tells

Continued from 1A

why

tional Institutes of Health (U.S. agencies) to protect animals in the laboratory, and this isn't happening.

As just one example, James Wyngaarden (head of the NIH) called the University of Pennsylvania head-injury lab "one of the best in the world," and that's frightening. The head-injury lab was where they held inadequately anesthetized baboons in vices and then used a device to smash their heads. It was the ALF that broke in and got the films of these animals in agony, that showed the callousness of the researchers toward the animals. It was only after the public saw these films that the NIH had to stop funding this research, and the lab was shut down.

When you see this kind of thing, you realize that medical research is not benign, as we are always told, that the animals are not always anesthetized, as we're always told.

The federal Animal Welfare Act, which is the only law there is, only covers the care of the animals, not how they are used in experiments. You can do anything you want to an animal as long as the cage is cleaned, there is food and the water bowl is filled. The experimenter doesn't even have to use anesthesia if he thinks it will interfere with his results.

Citizen: But why the fires and the vandalism, too? ALF: It is valid to destroy any property that is used to harm animals, to harm any being that feels pain and fear. By vandalizing the labs, you make it more difficult for research to continue. You also make it more expensive to do it. And you make people who are considering experimenting on animals think (twice about going into that).

I do think that, in a way, it is much the same thing as the abolitionists who fought against slavery going in and burning down the slave quarters or tearing down the auction block or the whipping post — whatever is used to subjugate the slaves. It's very much the same thing.

I think it sends a message to researchers about how serious this is. Sometimes when you just take animals and do nothing else, perhaps that is not as strong a message.

Citizen: Do you equate the enslavement, the "use" of humans with the enslavement and use of non-human animals? Is this really the same thing?

ALF: No, of course humans and non-humans are not the same. No, but we can't make decisions based on who has the higher power of reasoning, who can talk, who is supposedly a "higher" being than another. Just because I eat spaghetti and you listen to Mozart, does that give you the right to cause me pain? To take my life? To have control over me?

The only judgment we can make, the only ethical judgment, is whether someone has the capacity to feel pain and fear — to suffer. If a being feels those things, and animals do as much as you or I, then we have no right to cause them pain or fear. Just because a dog can't read a book or drive a car doesn't give me the right to feed him a quart of Drano to find out how toxic it is. The dog feels the agony of that as much as we would; he convulses just as we would.

The philosophy that drives the ALF is the belief that animals do not belong to us. They don't exist for our use — not to eat, not to experiment on. They are individual feeling beings with their own lives to lead. They have a right to see the sun and live with their companions in the same way we do. They have the same right not to have pain inflicted on them that we do.

And beyond that, because man does have dominion over animals, we have an obligation to do whatever we can to protect them.

Citizen: But when you go in and set fires, you risk killing a human being. What if the night janitor had been caught in there that morning at UA? What if some students you didn't know about had been studying there all night and they had died in one of those fires? It is said that it is only a matter of time until the ALF kills someone with these tactics.

ALF: I would like to say that every care was taken to make sure no one would be harmed. We felt sure that the fires were set in such a way that they would not harm people and we took every precaution. It is possible to make sure. We know what we are doing, and it is one of the rules of the ALF that no one will be injured. Property yes, people no. No one has ever been harmed in an ALF raid.

In this raid, for example, we decided that if a guard showed up, we would not knock him out or in any way manhandle him. We decided we would take no physical action, we would be caught red-handed rather than harm the guard.

The ALF has never hurt anyone, yet researchers are harming animals every day. And they call us terrorists; that's a little ironic.

It is important to remember that the real violence is being done to animals in the labs. If someone caught you and put you in a cage and fed you poisons and pesticides or starved you or electro-shocked you, you would hope someone would break in and rescue you. If you saw someone shocking or burning a kitten in the street, you would run up and take that kitten away from that person, even if he said he owned it. You'd do it.

People burn and blowtorch and shock animals in the labs, they drive them insane, they kill them, that's the reality, but it is going on behind closed doors that no one can get past. That doesn't mean we should ignore it.

Citizen: But why not try non-violent civil disobedience instead of violence to accomplish these goals? People who did that — Gandhi and Martin Luther King, for example — literally changed the world, and ended whole eras of pain and suffering.

ALF: I have participated in civil disobedience a number of times. It's a very valuable and effective tactic to bear public witness against the wrong done to animals, and I will continue to do it. But for civil disobedience to really change things, you need great numbers of people to do it. Although animal rights is now a national movement, it is still young and we're not there yet. To get those numbers, we need to inform people about what's really going on in the labs, and the break-ins are doing that.

Citizen: What has been revealed by lab break-ins?

ALF: Well, the list is long, but here are some of the worst.

First, the head-bashing lab at the University of Pennsylvania. A couple of years before that, one of the first exposures was the research of Edward Taub in Maryland, which was done on monkeys supposedly to help stroke victims. He cut the spinal nerves to cripple the monkey's limbs, then using electric shock, tried to force the monkeys to use the crippled limbs.

Alex Pacheco (now head of People for the Ethical Treatment of Animals) went undercover in that lab for four months and documented and photographed how the monkeys lived in constant fear, how they mutilated themselves, chewed off their own fingers, the filth they lived in. After Pacheco went to the police, the lab was raided and the research finally was shut down.

A raid in 1984 at the City of Hope in California found

animals used for cancer and infectious disease research were kept in conditions so bad that they were dying even before they got into the experiments. Dogs had inhaled their own feces, monkeys had died of exposure or been killed by other monkeys. It was revealed the animals were suffering terribly.

Another was the raid on the SEMA lab in Maryland, which contracts to do research for the federal government. There, baby chimpanzees were being used for AIDS and hepatitis research.

Again, the documents and the videos taken showed an extremely high death rate due to miserable conditions — monkeys driven insane in isolation chambers, steamed to death when the pipes broke, suffocated when the ventilation system failed.

Others were starved to death when their feet caught on the slats of their cages and they couldn't get to their food and no one noticed. Chimps are animals very close to man in their social needs and physical reactions, yet this is how they lived.

After hearing about this raid, Jane Goodall asked for a tour of the SEMA lab and when she got off of there, she said it was the second worst day of her life. The worst day was the day her husband died.

There are many more.

Citizen: But, at least in the case of the UA, a lot of people reacted angrily to the fires, and those who act them, and it seemed as if the raid backfired as far as your public relations go. Could you be making more enemies than friends this way?

ALF: We have discussed that possibility. It's a concern. I understand it can happen, but the point is people have been trying for the past 100 years by the usual means — letters, protests — to stop the use of animals in experiments, or even to just make it more humane. But what has happened is the use of animals has increased, and the experiments have increased in savagery, if anything, because of new technology that is used now. So it is time to look at other methods.

Even if we do alienate some people, the benefits outweigh that — saving the lives of individual animals, and finding out what actually is going on behind the closed doors that the public is paying for but is told nothing about.

Citizen: The ALF and animals rights groups claim that no good whatsoever comes out of animal medical experiments. Even if we concede that a chunk of it is repetitive and does not produce results, there is no denying that such life-saving breakthroughs as the polio vaccine, insulin, organ transplant surgery, and

cancer drugs evolved out of animal experiments. Would you forego those lifesaving treatments altogether?

ALF: Even if you put aside the ethical position that we do not have a right to do this to beings capable of suffering, in a very large sense, when we do animal experiments, we are actually harming human health. I know that sounds strange. Let me explain.

Using our tax dollars on animal experiments is taking public money away from helping humans. As just one example... at Yale University, \$3 million a year is being used for addictive drug experiments on cats and monkeys. That's three times the amount available in the whole state of Connecticut for drug treatment

It has always been more cheap and convenient to use animals, when there are other, better ways, given a little scientific creativity. But we just don't bother.

The Centers for Disease Control recently did a major study of the leading U.S. factors affecting the U.S. death rate. The most influential factor, accounting for 51 percent of all deaths, was lifestyle. Environment — pollutants and toxins — was second at 20 percent. Heredity was third at 19 percent, and medical intervention was last at 10 percent. Yet by far, most of the money goes to animal experiments for that last and least influential factor.

Citizen: Who are you — are you a professional activist or do you have a normal everyday life? Why did you decide to take such risks for this cause?

ALF: I think I am a pretty normal person — I have a job, a house, a mortgage. My job is in social work. I got into the animal movement years ago during my first year of medical school. I dropped out in my first semester because of the dog lab. I couldn't handle cutting open live dogs and killing them for that purpose. I'm embarrassed to say now I did nothing about it at the time except to leave school.

Since then, I have done a great deal of reading, and I started thinking about how we use animals, reading medical journals, and I wondered why we had the right to do these things. Over time, I became a vegan (someone who neither eats, uses or wears anything made from animals).

Before you can join the ALF, you are checked out thoroughly, for your sincerity, your commitment, for years of action in the movement, for a willingness to go to jail if you have to. It is not easy to get into the ALF.

To be honest, I'd really rather have a normal life, and devote myself to growing a garden maybe. But now that I know what goes on in the labs, on the factory farms, I can't ignore it. I feel a sense of personal responsibility about what society does to animals.

It is as if I were living in Nazi Germany and in my town there was a Buchenwald and I knew it and I did nothing. People who tried to stop those horrors got killed for it. At least I won't be killed for this.

Citizen: OK, what's next for the ALF?

ALF: Well, as soon as we finish placing the (UA) animals, there will be another raid. We are looking forward to that. I will be in many more of them.

centers for sick human beings. People are ruining their lives and dying all over the country because there are such long waiting lines to get into drug treatment centers.

Another example. There is very little money available for long-term care for disabled people, to help them live normal lives. But Edward Taub can get millions to cripple monkeys. Babies are born every day retarded and with birth defects because their moms do not get adequate prenatal care or enough food, yet we pay big sums to prove that baby monkeys go crazy when their mothers are taken away from them at birth.

The infant mortality rate for black infants in the nation's capital is higher than it is in Costa Rica. How can we justify pouring millions into animal research when we know right now what these human babies need but aren't getting?

Beyond that, researchers take credit for breakthroughs in such things as ending epidemics of infectious diseases, when history shows that it was improved sanitation systems and techniques that got the bulk of the credit for that.

Transplant surgery is interesting. Yes, they spent years experimenting on animals to transplant organs and to test the artificial heart. Yet every human being given a transplant in the early days died, if not on the operating table right after. It took years of human transplants before they got it right. The first humans on the artificial heart suffered debilitating brain damage due to strokes — something all that animal work never even suggested would happen.

The polio vaccine — as far back as 1949, scientists knew how to grow the polio virus in human cell cultures, and it was recommended that a vaccine should be developed that way. But that was ignored and animals were used because it was a longtime habit and much more convenient. So the rhesus monkey population in India was nearly wiped out by that research.

TESTIMONY IN SUPPORT OF H.R. 3270

House Subcommittee on Agriculture

February 28, 1990

by

Richard T. Hamilton

Director of Police

Texas Tech University Health Sciences Center

I am Richard T. Hamilton, director of police for the Texas Tech University Health Sciences Center in Lubbock, Texas.

Until 8:30 a.m. last July 4th, I was little aware of the animal rights movement, the damage its proponents can cause or the jurisdictional roadblocks hindering an investigation into this form of domestic terrorism.

Now some eight months after a break-in at the Texas Tech Health Sciences Center, I as police chief find my investigation at a crawl because my leads carry me over state and jurisdictional boundaries. And while the targeted research is federally funded, no federal agency has the authority to investigate this type of crime.

That is why I, speaking on behalf of Texas Tech University and Texas Tech University Health Sciences Center, strongly support legislation that would treat as federal crimes the thefts of research and farm animals and the vandalism of animal research and farm facilities. Such legislation extending authority to federal agencies to investigate these crimes is necessary to combat these illegal activities and the ensuing intimidation of research scientists and institutions.

Some background about our specific case will show why.

On July 4, 1989, intruders entered the Texas Tech Health Sciences Center Building and broke into an animal holding room, a laboratory and an office, all used by Physiology Professor John M. Orem. The intruders stole five cats used in Dr. Orem's sleep research, damaged \$70,000 in laboratory equipment and stole two video tapes and assorted documents, including Dr. Orem's last will and testament.

On a tiled wall of the animal holding room, the burglars left their spray-painted calling card "Don't Mess With Texas Animals -- A.L.F." The next day, the Washington-based organization People for the Ethical Treatment of Animals or PETA, disseminated a news release saying the Animal Liberation Front had forwarded to them materials taken in the break-in. Two days later, PETA's National Director Ingrid Newkirk came to Lubbock where she held a news conference and distributed edited copies of the tapes stolen in the burglary and selective photos of cats used in the experiments.

Our investigation at the scene and materials PETA distributed to the press during their news conference indicated this burglary was run with the precision of a commando raid. The locks at our facilities were picked by means available only to professional thieves. Photos distributed by PETA show cats that were not in the holding room at the time of the burglary, indicating a reconnaissance break-in earlier in the spring. Other items of evidence which I cannot discuss because of the relevance to the ongoing investigation indicate these were highly organized, professional lawbreakers.

In the burglary aftermath, my department of eleven commissioned peace officers found itself dealing with a national crime phenomenon, but without a national resource to assist us. From the beginning and certainly with PETA's immediate involvement as spokesman for A.L.F, our investigation led us to suspects out of state, to possible animal safe houses beyond our jurisdiction and to evidence that can only be gathered efficiently with broader jurisdiction than is available to our university police force. For example, we are currently investigating a lead in this case in another state. A local police department in that state is going to assist us in our investigation when they have the manpower to do so. Thus far, we have waited four weeks for that local force to have the time to assist us.

The jurisdictional morass delays the investigation, increases the chance that important evidence may be missed, provides the criminals more time to cover their tracks, results in duplication of effort by law enforcement personnel, allows felons to remain at large and keeps research institutions at risk from them.

Our investigation has continued for eight months. Investigative tools that are available to larger law enforcement agencies were not available to us. Much of the information we have had to gather has come from indirect sources. While that information has allowed our investigation to continue, it may not be readily admissible in court without extensive and time-consuming re-verification.

In addition to the burglary investigation, our office has had to deal with continued threats and harassments of Dr. Orem and Texas Tech. Dr. Orem has received death threats and the contents of his mail have ranged from pleading letters to a letter which included a used condom supposedly infected with the H.I.V. virus and a wish for Dr. Orem to catch AIDS. Police property has been threatened with vandalism because we are investigating the break-in. We have increased security over our institutional computer system because of a threat to destroy our computer network unless Dr. Orem's research was stopped. In January, an unsuccessful attempt was made by vandals to reach Dr. Orem's lab, but this time a locked door prevented them from getting in the health sciences center building. These vandals, like their predecessors, left a spray-painted calling card saying "Orem stop killing cats."

This institutional harassment, which all evidence suggests has come primarily from out of state, is abetted by this jurisdictional no man's land. This permits criminal animal activists to commit their crimes with virtual impunity. Only two of about one hundred animal-related terrorist acts have been solved over the last decade. That is the fault not of the local police, but the system which makes it difficult for them to carry their inquiries wherever they lead.

While I have addressed the police elements of this issue, I should also note the devastating effect such a break-in has on a researcher, both personally and professionally. Dr. Orem has been the subject of continued harassment by adherents of animal rights. The unfounded allegations have subjected him to an investigation by the National Heart, Lung and Blood Institute, which funds his research. When that investigation concluded that his research and his animal protocols were exemplary, the harassment only increased. In addition, his research has been effectively suspended until he can restore his laboratory for his delicate experiments.

After dealing for eight months with a variety of frustrations over this investigation, I am pleased to have the opportunity to come before you today to express my personal support and the support of my institution for H.R. 3270. We at Texas Tech see a clear need for federal support in our on-going investigation of the vandalism and theft that occurred at our Health Sciences Center on July 4, 1989. We strongly support this legislation not only because of the assistance it provides local law enforcement officials once an animal break-in has occurred, but also because we believe the bill will act as a deterrent to future criminal activity associated with research animals.



**American Heart
Association**

Office of
Public Affairs

*Dedicated to the reduction of disability
and death from cardiovascular diseases
and stroke.*

American Heart Association

Chairman of the Board

William K. Van't Hof, Esq.

President

Myron L. Weisfeldt, M.D.

Chairman-Elect

Oscar A. Gonzales

President-Elect

Francois M. Abboud, M.D.

Immediate Past

Chairman of the Board

W. W. Aston

Immediate Past President

Bernadine Healy, M.D.

Secretary

Anne Golden

Treasurer

Donald R. Joseph

Vice Presidents:

George F. Bolster, Esq.

David Douglas, Ph.D.

Mark L. Dyken, M.D.

Robert L. Hamann, Esq.

Terry Jones

Jason B. Lipkind, M.D.

Mary E. Martinez, R.N.

R. Pat McGoldrick

James H. Moller, M.D.

Robert A. O'Rourke, M.D.

George W. Vetrovec, M.D.

Gary N. Wilner, M.D.

Chairman,

Scientific Publishing

Committee

Alfred P. Fishman, M.D.

Chairman, Scientific Sessions

Program Committee

Michael Rosen, M.D.

Members-At-Large

Holly G. Atkinson, M.D.

W. Virgil Brown, M.D.

Edward S. Cooper, M.D.

Susanna L. Cunningham, Ph.D.

Dennis DeSilvey, M.D.

Charles K. Francis, M.D.

Clyde E. Johnson, Jr., Ph.D.

Pamela A. Mattson

Carolyn L. Murdaugh, Ph.D.

David G. Palmer, Esq.

Jane S. Richardson, R.N.

Harry P. Rivinius

Michael S. Uffner

Thom R. Winkler

Executive Vice President

Dudley H. Hafner

Deputy

Executive Vice President

M. Cass Wheeler

Senior Vice President,

Scientific Affairs

Rodman D. Starke, M.D.

Statement on

H.R. 3270

The Farm Animal and Research Facilities Protection Act

Submitted to the
House Agriculture Subcommittee on
Livestock, Dairy, and Poultry

The Honorable Charles Stenholm
Chairman

March 12, 1990

The American Heart Association (AHA) appreciates the opportunity to submit testimony to the Subcommittee on Livestock, Dairy, and Poultry on H.R. 3270, the Farm Animal and Research Facilities Protection Act. We commend Chairman Stenholm for his leadership in introducing this legislation.

AHA is a voluntary nonprofit organization funded by private contributions. We are dedicated to the reduction of disability and death from cardiovascular diseases and stroke. Despite progress in this area, cardiovascular diseases remain this nation's leading cause of death, killing nearly one million Americans each year. More than one in four Americans suffer some form of these diseases at an estimated cost in 1990 of \$94.5 billion in medical expenses and lost productivity. Since our inception, AHA has given research its highest priority. In 1989, we invested more than \$69 million to support promising scientific investigations.

As a result of research, prevention, and public and professional education and community programs, striking advances have been made in the fight against cardiovascular diseases. Age-adjusted death rates from heart attack, stroke and related diseases are declining. From 1977 to 1988 the age-adjusted death rate from coronary heart disease declined by 30.9 percent and that from stroke fell by 37.3 percent.

The decline is largely related to changes in life-style and development of methods of treatment, many of which are based upon animal research. The urgency with which biomedical research should be continued, however, is as high now as ever. The decline in mortality does not mean a cure for cardiovascular disease. In fact, the estimated ravages of cardiovascular diseases will cost approximately \$94.5 billion dollars for 1990, claiming the lives of almost 1 million Americans annually.

We have no cure for most of these diseases, and the reduced mortality is presenting us with the enormous challenge of caring for an ever increasing population of patients with severe cardiovascular disabilities. We are at the threshold of major discoveries that promise a cure, but that cannot go on without animal research. As yet, there is no satisfactory way besides the animal model, to reproduce the extraordinary complexity of the human cardiovascular system; therefore, generation of new knowledge about the cause of cardiovascular disease, testing new drugs and refinement of new devices, and operations affecting this area will require animal research.

Biomedical research is a key element in the overall mission of the American Heart Association, to reduce disability and death due to cardiovascular diseases and stroke. AHA, a founding member of the American Association for Accreditation

of Laboratory Animal Care (AAALAC), has been in the forefront of strongly endorsing responsible and humane use of animals in biomedical research. We believe that this approach is essential and necessary to biomedical research and education in the prevention, reduction and treatment of diseases of the heart and blood vessels. No AHA research funds are awarded for the support of investigations or projects without proper documentation of compliance with appropriate animal care and use standards.

On July 3rd, the Animal Liberation Front broke into a research laboratory at Texas Tech University Health Sciences Center in Lubbock, destroying an estimated \$70,000 worth of equipment, and stealing research data and animals. This represents approximately 60 such reported events nationwide since 1982, which delay, curtail, and increase the cost of essential biomedical research, jeopardizing the health advances for animals and humans. Such senseless acts must stop.

As introduced, H.R. 3270, the Farm Animal and Research Facilities Act would amend the Food Security Act of 1985 to prohibit break-ins of both private and Federal animal research facilities and farm animal facilities. The AHA supports H.R.3270, recommending that all private and public research facilities and agencies, including those not receiving Federal funds, should be protected. Research

facilities need protection from illegal activities. Violation of this bill would be a Federal offense subject to fines, and or imprisonment.

The American Heart Association agrees with the position of the National Institutes of Health (NIH), that "Although break-ins result in the loss of property and equipment, the most serious cost is the loss of valuable information that might have been applicable to the development of new or improved treatments and cures, which would reduce human disability, suffering, and death." Animal rights activists are endangering the future health of both the American people and animals. As stated by Dr. William F. Raub, Acting Director of the National Institutes of Health, during your February 28th hearing, the NIH receives Federal funds for health research, and supports projects involving animals. Raub emphasized the fact that the "NIH could not fulfill its mission to improve human health without animals." All federally funded facilities are required to adhere to the Public Health Service Policy on the Humane Care and Use of Laboratory Animals. AHA's standards have been modified to bring our award application and granting procedures into complete alignment with the standards of the United States Public Health Service.

We commend Chairman Stenholm for introducing legislation which protects, both private and federally funded health

facilities. The need for animal facilities and properly trained animal medicine personnel are a necessary aspect of all biomedical research activities, not just those carried out in Public Health Service facilities. Moreover, proper facilities and healthy animals help to insure reliable research results.

We thank the Subcommittee for this opportunity to provide comments on H.R. 3270, the Farm Animal Facilities and Research Protection Act. We support this legislation, in that all private and Federally funded research facilities would be protected. Thank you for your careful consideration of our comments.



National Milk Producers Federation
1840 Wilson Blvd., Arlington, VA 22201
703-243-6111 FAX 703-841-9328

James C. Barr, CAE
Chief Executive Officer

August 2, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

The dairy farmer members of the National Milk Producers Federation wish to express their solid support of your work to introduce a farm and ranch break-in protection bill to the 101st Congress. Your efforts on this legislation are needed and greatly appreciated.

By making it a federal crime to break-in to farm facilities and remove animals or disrupt farming operations, farmers will gain a necessary legal defense, and allow federal law enforcement agencies to deal effectively with such criminal activity. Farmers need not be unnecessarily exposed to the risk or hardship that vandalism could cause their families without the legal recourse your proposed legislation would carry.

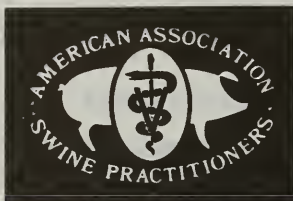
I approve of your intentions on this issue and endorse the measure you and your colleagues aim to introduce. The Federation stands with you in seeking better laws for the American farmer.

Sincerely,

James C. Barr
James C. Barr, CAE
Chief Executive Officer

JCB:dvl

James P. Camerlo, Jr., President Herbert Selbrede, First Vice President Elwood Kirkpatrick, Second Vice President



AMERICAN ASSOCIATION OF SWINE PRACTITIONERS

5921 FLEUR DRIVE • DES MOINES, IOWA 50321 • PHONE 515-285-7808

1989 OFFICERS

PRESIDENT

Dr. L. Kirk Clark
Purdue University
SCC-A
West Lafayette, Indiana 47907
317-494-1209

PRESIDENT-ELECT

Dr. James D. McKean
2270 Veterinary Medicine
Iowa State University
Ames, Iowa 50011
515-294-8790

VICE PRESIDENT

Dr. Jack L. Anderson
304 Morton Road
Columbus, Nebraska 68601
402-563-3923

PAST PRESIDENT

Dr. Joseph F. Connor
34 West Main Street
Carthage, Illinois 62321
217-357-2811

EXECUTIVE SECRETARY

Dr. Tomas A. Neuzil
5921 Fleur Drive
Des Moines, Iowa 50321
515-285-7808

BOARD MEMBERS

Dist. 1 Dr. Tony M. Forshey
Northwest Veterinary Hospital
3491-SH108
Wauseon, Ohio 43567
419-337-0015

Dist. 2 Dr. David E. Reeves
P.O. Box 1209
Titon, Georgia 31793
912-386-3440

Dist. 3 Dr. Jack L. Coleman
Box 217
Monroe City, Missouri 63456
314-735-4500

Dist. 4 Dr. Lawrence R. Rueff
Swine Veterinary Services
714 W. Main, Suite 2
Greensburg, Indiana 47240
812-663-5731

Dist. 5 Dr. Kenneth T. Wright
Box 338
Blandinsville, Illinois 61420
309-652-3121

Dist. 6 Dr. Howard T. Hill
Veterinary Diagnostic Lab.
Iowa State University
Ames, Iowa 50011
515-294-1950

Dist. 7 Dr. Roger L. Rankin
500 Kickapoo
Hiawatha, Kansas 66434
913-742-3412

Dist. 8 Dr. Alex Hogg
111 Basic Science Building
East Campus
University of Nebraska
Lincoln, Nebraska 68583
402-472-1738

Dist. 9 Dr. Tim J. Loula
Box 167
Nicolet, Minnesota 56074
507-225-3401

Dist. 10 Dr. Palmer B. Anderson
N.E. 425 Howard
Pullman, Washington 99163
509-332-2451

Dist. 11 Dr. James Sawatsky
Box 2439
Humboldt, Saskatchewan,
Canada S0K 2A0
306-682-2583

EX-OFFICIO

DELEGATE TO THE AVMA

Dr. Steven Henry
814 North Olive
Abilene, Kansas 67410
913-263-2301

September 12, 1989

The Honorable Charles Stenholm, Chair
Subcommittee on Livestock, Dairy and Poultry
Committee on Agriculture
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Stenholm:

On behalf of the 1500 members of the American Association of Swine Practitioners, a species specialty organization within the American Veterinary Medical Association, we commend and fully support your efforts to protect animal agriculture from the ravages of extremist animal rightist groups. The intent of the Research and Farm Animal Facilities Protection Act reflects government support for the swine industry, which we as veterinarians closely associated with that industry, consider as a timely, necessary, and appropriate response to activities inconsistent with the best interest of our nation's people.

Swine practitioners are strong proponents of animal welfare, and our production medicine skills are based on the fact that good animal husbandry predicts good health and welfare of the animal and efficient production of animal protein for consumers. We also recognize that well-controlled quality research completed within animal welfare guidelines is and always has been the underlying strength of American Agriculture. Illegal acts promulgated against the swine and related animal industries in the guise of animal rights is abhorrent to us and can't, to a reasonable person, be justified as beneficial to animals. Thus, you can count on our support for this legislation and our appreciation of your efforts for the good of animal agriculture.

Sincerely,

L. Kirk Clark, DVM, PhD
President, AASP

LKC: gmy



AMERICAN FARM BUREAU FEDERATION

225 TOUHY AVENUE • PARK RIDGE • ILLINOIS • 60068 • (312) 399-5700
600 MARYLAND AVENUE S.W. • SUITE 800 • WASHINGTON, D.C. • 20024 • (202) 484-2222

August 1, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Stenholm:

The American Farm Bureau Federation commends you for your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989. The legislation, which makes it a federal crime to break into farms, ranches and, research facilities, is much needed to help provide protection for our nations farmers and research institutions.

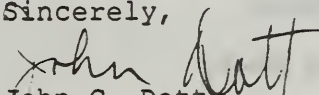
Our members developed policy at our recent annual meeting to deal with what they saw as an ever increasing problem. The policy is as follows:

"Farm/ranch break-ins and also raids on research facilities and businesses should be covered by both state and federal law."

Unfortunately vandalism and destruction of property on farms, ranches and research facilities tied with the use of state boundaries has made this a necessary federal law. These acts of violence not only violate private property rights and endanger lives but also threaten our nation's food supply and development of scientific information.

Again, we commend you for your intentions to introduce this legislation and hope we can work with you to get this important piece of legislation approved during the 101st Congress.

Sincerely,


John C. Datt
Executive Director
Washington Office

JCD/jb

BAYLOR COLLEGE OF MEDICINE
ONE BAYLOR PLAZA
HOUSTON, TEXAS 77030

OFFICE OF THE CHANCELLOR

October 6, 1989

The Honorable Charles Stenholm
United States House of Representatives
1226 Longworth Building
Washington, D.C. 20515

Dear Congressman Stenholm:

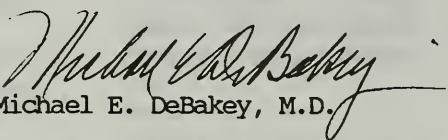
I want to express my personal appreciation to you for your leadership in introducing H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989." Your bill is extremely important to both the agriculture enterprise and the scientific community at a time when extremists in the animals rights movement are increasingly using terrorist tactics to disrupt research activities.

Virtually every advancement in medical history, and especially in my own field of cardiovascular surgery, has been dependent on the use of animals in research. Without animal research, open-heart surgical procedures that save thousands of lives each year would not exist. It is tragic that a few misguided individuals can do such much to disrupt and delay research that can be of major benefit to society.

I am certain that the biomedical and scientific community is solidly in support of H.R. 3270 and I want you to know that I will be glad to do anything that I can to assist its passage. If I can be of help by serving as a witness during committee hearings or by making other contacts in Washington or within the biomedical community, I will be pleased to do so.

Again, thank you for your leadership and do let me know how I can help in your efforts.

Sincerely yours,


Michael E. DeBakey, M.D.

xc: Members of the Texas Congressional Delegation



American College of Surgeons

FOUNDED BY SURGEONS OF THE UNITED STATES AND CANADA, 1913

55 EAST ERIE STREET CHICAGO, ILLINOIS 60611 AREA CODE 312 • 664-4050

PAUL A. EBERT, M.D., F.A.C.S.
DIRECTOR

January 10, 1990

The Honorable Charles W. Stenholm
U.S. House of Representatives
1226 Longworth House Office Building
Washington, DC 20515

Dear Representative Stenholm:

The American College of Surgeons wishes to express its support for your bill, H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989."

As you know, the College is a voluntary educational and scientific organization of over 50,000 Fellows who are dedicated to the ethical and competent practice of surgery. The College has always urged the proper and humane use of animals for research and educational purposes, and it supports the use of alternative models whenever possible. However, alternatives simply do not exist for the use of animals in certain critical types of biomedical research and medical education, and individuals or groups who disrupt these important activities are doing this nation a terrible disservice.

Again, the Fellows of the American College of Surgeons appreciate your commitment to easing human suffering and assuring adequate medical training through the proper and humane use of laboratory animals.

Sincerely,

Paul A. Ebert, MD, FACS

cc: Hon. E de la Garza
Hon. Edward R. Madigan

Association of Professors of Medicine

1101 Connecticut Avenue • Suite 700 • Washington, DC 20036 • (202) 857-1158

January 30, 1990

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, DC 20515

Dear Representative Stenholm:

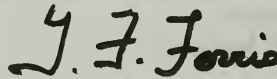
On behalf of the Association of Professors of Medicine (APM), I want to commend you for your leadership on H.R. 3270, the "Farm Animals and Research Facilities Protection Act of 1989." The APM would like to join with the other members of the biomedical research community in expressing its strong support for your legislation. The Association serves as the national representative for the 126 chairman of departments of medicine at our nation's medical schools.

Our nation's research facilities -- and the scientists who work in them -- have been targeted for attack by a small, but dangerous segment of our society aimed at destroying our research enterprise. Biomedical research is aimed at the relief from suffering for those with diseases of the body and mind, which can be set back by the actions of animal rights activists. Your legislation takes a large step towards protecting these vital laboratories, and sets realistic penalties for those who seek to cripple our nation research effort.

The Congress must take a firm position that the animal rights movement represents a moral outrage to all those now afflicted with disease and the progress of science to cure these afflictions. Passage of H.R. 3270 will make such a statement.

Please let us know how the APM can help you secure enactment of your bill. Please call Mr. Jim Terwilliger, APM's Director of Government Relations, at (202) 857-1158 if we can be of assistance.

Sincerely yours,



Thomas F. Ferris, M.D.
President

President
Thomas F. Ferris, M.D.
Department of Medicine
University of Minnesota Medical School
516 Delaware St. SE Box 194
Minneapolis, MN 55455
(612) 625-1162

President-Elect
Gerald S. Levey, M.D.
Department of Medicine
University of Pittsburgh School of Medicine

Past President
Norman G. Levinsky, M.D.
Department of Medicine
Boston University Medical Center

Secretary-Treasurer
William N. Kelley, M.D.
Department of Internal Medicine
University of Michigan Medical Center

Councillors
J. Claude Bennett, M.D.
Department of Medicine
University of Alabama at Birmingham

Robert M. Glickman, M.D.
Department of Medicine
Columbia University College
of Physicians and Surgeons

Executive Director
Robert H. Wilbur

NATIONAL PORK



Producers Council

WASHINGTON OFFICE
501 SCHOOL STREET S.W. SUITE 401 WASHINGTON, D.C. 20515
PHONE 202-554-3600 FAX 202-554-3602

July 26, 1989

The Honorable Charles W. Stenholm
Chairman
Subcommittee on Livestock, Dairy, and Poultry
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We strongly support your efforts in introducing legislation to protect the rights of farmers and their animals from terrorist activities. The National Pork Producers Council believes it is critical to the future of our industry that farms and research operations be protected. We endorse your legislation that makes it a federal crime to break into, vandalize, trespass, or remove animals from agricultural or research facilities.

Animal rights violence is an increasing concern to the 100,000 members of the National Pork Producers Council. We have been proud of our efforts to ensure that our producers use humane practices in raising their livestock. In fact, we are currently developing animal care guidelines for our membership.

Apparently, nothing short of going out of the farm business will satisfy the agenda of the most radical animal rights groups. Those who choose to disrupt lawful agricultural activities through violent means should face legal sanctions that are commensurate to their actions.

We pledge our support to work with you and your staff towards successful passage of this much-needed legislation.

Sincerely,

Don Gingerich
President
National Pork Producers Council



Texas Tech University

Executive Vice President and Provost
Lubbock, Texas 79409-2019 / (806) 742-2184

June 1, 1989

The Honorable Charles W. Stenholm,
Chairman
Subcommittee on Livestock, Dairy and Poultry
U.S. House Committee on Agriculture
1301 Longworth Building
Washington, DC 20515

Dear Congressman Stenholm:

Please know that Texas Tech University strongly supports your bill aimed at providing protection to farm animal facilities engaging in food production or agricultural research from illegal acts. While we also support the humane treatment and use of research animals we are aware of the violent destruction of animal facilities that has occurred at other research institutions. Therefore, we think this bill is necessary, and if passed, will provide a strong deterrent to those who would otherwise abuse animal research facilities.

Thank you for your continued support of our educational and research efforts.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Donald R. Haragan".

Donald R. Haragan
Executive Vice President
and Provost

A handwritten signature in black ink, appearing to read "Robert M. Sweazy".

Robert M. Sweazy
Vice Provost for Research

RMS/scm



August 1, 1989

The Honorable Charles W. Stenholm
Chairman, Subcommittee on Livestock,
Dairy and Poultry
House Committee on Agriculture
Washington, D.C. 20515

Dear Mr. Chairman:

The Animal Health Institute (AHI) is the national trade association representing the manufacturers of animal health products, and we are very pleased to offer our full support of your legislation titled the Research and Farm Animal Facilities Protection Act.

We strongly endorse federal legislation to provide a sure and uniform national law for punishing acts of trespass, vandalism, and terrorism aimed at the owners and keepers of animals on farms, in laboratories, and in schools. There is no excuse for actions that threaten violence to people and destroy property and research information.

These lawless activities have impaired the efforts of scientists in public and private laboratories who are seeking life-saving products and procedures for people and animals. The livelihoods of farm families across the country are threatened, as well.

These crimes can be stopped only through the combined efforts of federal, state, and local officials. The Research and Farm Animal Facilities Protection Act is an essential element of the federal effort. Please let us know how we can help.

Yours truly,

Fred H. Holt
President

John W. Thomas
Senior Counsel

Office Address: 119 Oronoco Street • Alexandria, Virginia 22314 • Telephone: 703/684-0011
Mailing Address: P.O. Box 1417-D50 • Alexandria, Virginia 22313 • Telecopier: 703/684-0125

NATIONAL CATTLEMEN'S ASSOCIATION

1301 Pennsylvania Avenue, N.W. • Suite 300 • Washington, D.C. 20004 • (202) 347-0228

**National Headquarters**

5420 S. Quebec St. • P.O. Box 3469 • Englewood, CO 80155 • (303) 694-0305

August 1, 1989

The Honorable Charles W. Stenholm
United States House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

On behalf of the National Cattlemen's Association, I would like to applaud your intention to introduce legislation to provide better protection for U.S. farms, ranches and agricultural research facilities from the continued increase in threatened or actual animal rights violence.

By making it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching, or agricultural research through such activity, your bill will strengthen federal law enforcement agencies capability to deal with these deplorable criminal acts. Cattlemen across the country are seriously concerned about animal rights violence. Several of our state association offices have been vandalized and their staff has received death threats.

The National Cattlemen's Association salutes your foresight and initiative in introducing this necessary legislation. We would like to work with you and your staff in whatever ways that will expedite passage of this bill.

Sincerely,

Robert D. Josserand
President
National Cattlemen's Association

cc: Texas and Southwestern Cattleraiser's Association
Texas Cattle Feeders Association

UNIVERSITY OF CALIFORNIA, DAVIS

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF PHARMACOLOGY
SCHOOL OF MEDICINE
DAVIS, CALIFORNIA 95616

November 13, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
Longworth House Office Bldg, Rm. 1226
Washington, D.C. 20515

Attn: Health Advisor

Dear Mr. Congressman:

I write to congratulate you on your bill H.R. 3270, the Farm Animal and Research Facilities Protection Act and to assure you and your cosponsors of my support.

As a working scientist involved, for more than 30 years, in basic research aimed at the solution of critical health problems, I have been appalled at the actions of so-called animal lovers who have endangered the lives and welfare of farm and experimental animals for publicity purposes. Further, the delays and added costs of damage to research facilities and animal housing units has put at further risk the health of many of our citizens who are anxiously awaiting medical progress in the therapy of their incurable or debilitating diseases. Your bill quite rightly puts such actions in their proper perspective as crimes against the welfare of our citizens.

Thank you on behalf of all of us.

Sincerely,

Eva King Killam

Eva King Killam, PH.D.
Professor of Pharmacology
President, The American Society for
Pharmacology and Experimental
Therapeutics
Past President, American College of
Neuropsychopharmacology

EEK:ccn



AMERICAN FEED INDUSTRY ASSOCIATION

July 31, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Rep. Stenholm:

On behalf of the nearly 700 member companies of the American Feed Industry Association (AFIA), I am writing to strongly commend you for the introduction of your bill to protect the employees, animals and property of the nation's farms, ranches, agricultural and biomed facilities from break-ins, theft, arson and other criminal acts.

Agriculture and scientific research have been targetted for several years by a radical segment of our society who feel that animal use for food production or medical advances is somehow unethical, cruel and inhumane, and that "direct action" is necessary because the system grinds too slowly to attain the goal of an end to animal use.

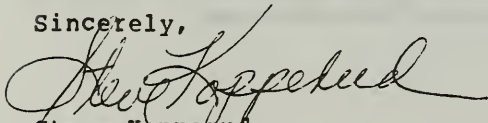
According to the "Animal Liberation Front Support Group" publication "Liberator", 1988 Edition, 77 incidents through November, 1988, have resulted in more than \$5 million in damage and the theft of nearly 2,500 animals. Nearly a third of these incidents were directed at agriculture. In the first half of 1989, more than half-a-dozen additional incidents are known to have occurred. This is just the tip of the iceberg, according to the movement itself.

We strongly believe Congress must send the strongest signal possible signal that it will not tolerate this activity, while at the same time setting a high priority for federal law enforcement agencies. The full weight of the law must be imposed on such crimes.

Your bill will act as a serious deterrent to these groups, while providing much needed protection for employees, animals and invaluable research on improved food production and medical care.

AFIA will work with you and your office in any way necessary to achieve passage of this legislation as expeditiously as possible. Again, thank you for your courage and foresight in introducing this valuable and much-needed set of federal protections.

Sincerely,



Steve Kopperud
Vice President

1701 Fort Myer Drive, Arlington, Virginia 22209
Tel: 703/524-0810 Fax: 703/524-1921



NATIONAL LIVE STOCK PRODUCERS ASSOCIATION

4851 Independence Street • Suite 200 • Wheatridge CO 80033 • 303-423-4792

August 2, 1989

The Honorable Charles W. Stenholm
Chairman, Livestock, Dairy, and Poultry Committee
1226 LHOB
Washington, D.C. 20515-4317

Attn: Stan Ray

Dear Representative Stenholm,

The National Live Stock Producers Association is a federated livestock marketing cooperative encompassing 12 regional marketing agencies and 4 credit corporations. Being a cooperative, we are in a position to represent our patron's views and concerns.

Therefore, with the current increase of destructive activities by some animal rights groups aimed at livestock producers, livestock markets, and research facilities, we are in full support of introduction of legislation to protect these entities. Making it a federal crime to harm or disrupt farming, ranching or agricultural research should enable federal law enforcement agencies to deal with these groups more effectively.

National Live Stock Producers is encouraged by your interest in dealing with this most important issue and fully supports the passage of this legislation in the 101st congress.

Sincerely,

Harold E. Lein

Harold E. Lein
Executive Vice President
and General Manager, NLSA

Producers Livestock
Marketing Assn.
509 Livestock Exchange Bldg.
Omaha, NE 68107

Producers Livestock
Marketing Assn.
P.O. Box 247
North Salt Lake, UT 84054

*The University of Texas at Arlington
The University of Texas at Austin
The University of Texas at Dallas
The University of Texas at El Paso
The University of Texas of the Permian Basin
The University of Texas at San Antonio
The University of Texas at Tyler*



*The University of Texas Southwestern Medical Center at Dallas
The University of Texas Medical Branch at Galveston
The University of Texas Health Science Center at Houston
The University of Texas M. D. Anderson Cancer Center
The University of Texas Health Science Center at San Antonio
The University of Texas Health Center at Tyler
The University of Texas Institute of Texan Cultures at San Antonio*

THE UNIVERSITY OF TEXAS SYSTEM

601 COLORADO STREET AUSTIN, TEXAS 78701

April 20, 1989

Office of the Chancellor

The Hon. Charles Stenholm
Chairman, Subcommittee on Livestock,
Dairy & Poultry
House Agriculture Committee
US House of Representatives
1226 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

As you know, acts of vandalism, theft and violence directed at research facilities using animals are increasing all over the country.

Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. University laboratories are regulated by internal review mechanisms as well as federal laws and regulations. However, a handful of extremists believe that no animal research should be permitted and that any means--including violence--are acceptable in achieving their goal.

These actions not only violate property rights, but jeopardize crucial scientific, medical and agricultural research. In many instances, federally-funded research is set back or even destroyed when labs are vandalized or animals stolen.

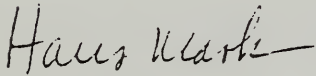
Local law enforcement efforts have been hampered by the fact that many of the attacks are part of a national movement. The most recent example occurred April 3 at the University of Arizona, where a national underground organization, the Animal Liberation Front, claimed responsibility for the theft of hundreds of animals and the firebombing of two buildings.

Unfortunately, it is not a federal offense to commit such crimes against research facilities that do not receive federal funding. This is a serious handicap to the ability of local, state, and federal law enforcement officials to cooperate in the apprehension of these animal liberation terrorists.

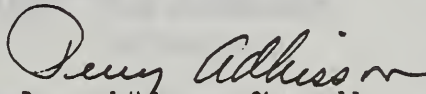
April 20, 1989
The Hon. Charles Stenholm
Page Two

We believe that legislation making it a federal felony to commit crimes such as theft or vandalism against all U.S. research facilities is long overdue. We hope that you will consider proposing such legislation. We would give it our whole-hearted support. Thank you very much for your consideration.

With Best Wishes,



Hans Mark, Chancellor
The University of Texas System



Perry Adkisson, Chancellor
Texas A&M University System

rjs



United Egg Producers

UEP Officers

John Ricca, Chairman
 Al Pope, President
 Dan Gardner, First Vice Chairman
 Ed Houston, Second Vice Chairman
 Reid Merrill, Secretary
 Joe Arias, Treasurer

July 31, 1989

UEP Board of Directors

Southern UEP

*Charley Kemmerdiener
 Hope, AR

Russ Lind
 Chestnut Mountain, GA

Wilbur Ivey
 Hemingway, SC

Ken Looper
 Jackson, MS

Ed Houston
 Lumber City, GA

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Midwest UEP

*Chris Dixon
 Germantown, IL

*Dan Gardner
 Wekefeld, NE

Joe Maust, Jr.
 Pigeon, MI

Jim Rich
 Kalona, IA

Doug Hoffer
 Warsaw, IN

Dear Congressman Stenholm:

UEP strongly supports your efforts to introduce legislation that would protect farms, ranches and research facilities from break-ins, vandalism and violence perpetrated by some animal rights advocates.

Northeast UEP

*Kurt Kreher
 Clarence, NY

John Ricca
 Westminister, MA

Andy Wadsworth
 Wolcott, NY 14590

Northwest Egg Producers

*Reid Merrill
 Eagle, ID

Chuck Dynes
 Burlington, WA

West Coast UEP

*Joe Arias
 Turlock, CA

Charles Campbell
 El Cajon, CA

Willard Maust
 Rancho Cucamonga, CA

As you are undoubtedly aware, these types of activities have increased substantially in recent years, causing serious problems for farmers and research facilities. The members of UEP deplore these violent and unlawful actions and are hopeful that something can be done at the federal level to deter and penalize those that commit such acts. For these reasons, we are very much in support of your proposal to introduce legislation which would make such actions a federal crime.

In recognition of the need for the agricultural community to respond to animal rights activities, UEP has been active in the Farm Animal Welfare Coalition established to address this matter. In addition, UEP has an Animal Welfare Committee that seeks to stay abreast of these activities, as well as to develop and promote good husbandry practices for our members.

UEP Staff

Georgia Office

Al Pope
 President and General Manager

Ken Klippen
 Vice President

Irving Isaacson, Esq.
 Legal Counsel

Michael McLeod, Esq.
 Washington Counsel

Washington Office

Wayne Watkinson
 Director

Government Relations

Christine Nelson
 Coordinator

Cathy McCharen
 Vice President

Egg Nutrition Center

Washington Office

2501 M Street, N.W., Washington, D.C. 20037 / (202) 833-3123

UEP Headquarters

3951 Snapfinger Parkway, Suite 580, Decatur, Georgia 30035 / (404) 288-6700

UEP Members

Southern UEP
 P O Box 957253
 Duluth, Georgia 30136
 Dave Reesman, G M
 (404) 476-2771

Northeast UEP
 P O Box 650
 Durham, NH 03824
 Chris Bushway, G M
 (603) 868-2824

Northwest Egg Producers
 P O Box 1038
 Olympia, WA 98507
 Bill Welkinshaw, G M
 (206) 754-4401

Midwest UEP
 Box 170
 Eldridge, IA 52748
 Gerald Weber, G M
 (319) 285-9100

West Coast UEP
 Bldg 12, Suite J
 9581 Business Center Drive
 Rancho Cucamonga, CA 91730
 Bill Jasper, G M
 (714) 980-5114

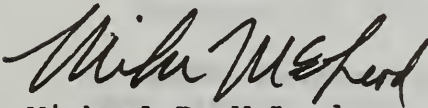
*Member of Executive Committee

The Honorable Charles Stenholm
July 31, 1989
Page 2

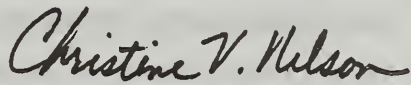
However, industry efforts alone are not enough to prevent this movement from committing illegal and violent acts. We firmly believe federal intervention is necessary to protect farmers and researchers alike.

Again, we wish to encourage you to introduce farm animal and research facility legislation and pledge our support for your efforts.

Sincerely,



Michael R. McLeod
Counsel



Christine V. Nelson
Government Relations

MRM:CVN/mtw



August 3, 1989

The Honorable Charlie Stenholm, Chairman
 Subcommittee on Livestock, Dairy and Poultry
 House Committee on Agriculture
 1301 Longworth House Office Building
 Washington, D.C. 20515

Dear Congressman Stenholm:

This letter comes to thank you for your excellent efforts in developing legislation to protect U.S. farms, ranches, food processing facilities and research facilities from break-ins and other illegal acts. Like you, we are alarmed at the number of break-ins, the destruction caused, and the important research lost by these wanton acts. If this trend is allowed to continue unchallenged not only will all agriculture suffer, but so to will advancements in basic human health research.

Your work in developing the Farm Animal Facilities Protection Act is critical to ending such acts. We look forward to working with you as this bill works its way through the legislative process.

Again the American meat Institute thanks you for your leadership and interest in developing this important legislation.

Sincerely,

C. Manly Molpus
 President

Robert G. Petersdorf, M.D.
President



ASSOCIATION OF
AMERICAN
MEDICAL COLLEGES

ONE DUPONT CIRCLE, NW
WASHINGTON, DC 20036
TELEPHONE (202) 828-0460

January 17, 1990

The Honorable Charles W. Stenholm
U.S. House of Representatives
1226 Longworth Office Building
Washington, D.C. 20515

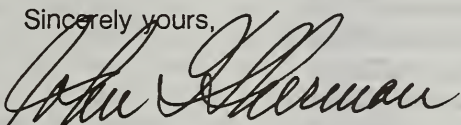
Dear Mr. Stenholm:

As President of the Association of American Medical Colleges, I am writing to reiterate our support for H.R. 3270, "Farm Animal and Research facilities Protection Act." In representing the nation's 126 accredited medical schools, 430 major teaching hospitals, and over 90 professional academic societies, the AAMC serves as a strong advocate for the biomedical and behavioral research enterprise. H.R. 3270 provides a degree of security needed by institutions in order to continue to conduct vital research.

Terrorist acts against research facilities destroy promising work intended to improve and prolong the health of Americans. A Federal role is needed to penalize those who commit harmful acts of violence.

I understand that hearings are tentatively scheduled on H.R. 3270 in February. I hope you will use the AAMC as a resource for the hearing and in your efforts to secure passage of the legislation. Thank you for your leadership on this important issue. I look forward to working together toward our mutual goals.

Sincerely yours,


FOR Robert G. Petersdorf, M.D.



COUNCIL OF SCIENTIFIC SOCIETY PRESIDENTS

1155 16th St., N.W., Washington, D.C. 20036 (202) 872-4452

January 16, 1990

Members

Carl A. Burtis
Am. Assoc. for Clinical Chemistry
James E. Tingstad
Am. Assoc. of Pharmaceutical Scientists
Faiz M. Khan
Am. Assoc. of Physicians in Medicine
Gerald Wheeler
Am. Assoc. of Physics Teachers
Clayton F. Callis
Am. Chem. Soc.
Bryan Craven
Am. Crystallographic Assoc.
Howard L. Funk
Am. Fed. of Inf. Processing Societies, Inc.
Don L. Anderson
Am. Geophysical Union
John Patrick Jordan
Am. Inst. of Biological Sciences
James N. BeMiller
Am. Inst. of Chemists, Inc.
Karl J. Smith
Am. Mathematical Assoc. of Two-Year Colleges
William Browder
Am. Mathematical Soc.
Gail de Planque
Am. Nuclear Soc.
R. David Cobb
Am. Pharmaceutical Assoc.
Joseph Matarazzo
American Psychological Assoc.
Janet Spence
American Psychological Soc.
Robert T. Schimke
Am. Soc. for Biochemistry and Molecular Biology
James Spudich
Am. Soc. for Cell Biology
Roy A. Larson
Am. Soc. for Horticultural Science
Ronald A. Hites
Am. Soc. for Mass Spectrometry and Allied Topics
Alice S. Huang
Am. Soc. for Microbiology
Edward Runge
American Society of Agronomy
Elisabeth Gantt
Am. Soc. of Plant Physiologists
Karel S. Liem
Am. Soc. of Zoologists
Bryan S. Kocher
Assoc. for Computing Machinery, Inc.
W. Hardy Eschbaugh
Botanical Society of America
Lynn Arthur Steen
Conference Board of the Mathematical Sciences
C. Judson King
Council for Chemical Research, Inc.
Calvin O. Qualset
Crop Science Society of America
Harold A. Mooney
Ecological Soc. of Am.
Howard K. Schachman
Fed. of Am. Societies for Experimental Biology
R. Duncan Luce
Fed. of Behavioral, Psychological and Cognitive Sciences
Robert E. Alexander
Health Physics Society
Theodore P. Labuza
Institute of Food Technologists
Marshall L. Fisher
The Institute of Management Sciences
Lida K. Barrett
Mathematical Assoc. of Am.
John Penick
Nat. Assoc. of Biology Teachers
Shirley Frye
Nat. Council of Teachers of Mathematics
LaMoine Motz
Nat. Sci. Teachers Assoc.
Donald Gross
Operations Res. Soc. of Am.
Herwig Kogelnik
Optical Soc. of Am.
Thomas F. Malone
Sigma Xi, The Scientific Research Society
Ivar Stakgold
Soc. for Industrial and Applied Mathematics
C. George Hollis
Soc. for Industrial Microbiology
Richard C. Schwing
Soc. for Risk Analysis
Douglas Fambrough
Soc. of General Physiologists
John M. Dealy
Soc. of Rheology
John J. Mortvedt
Soil Science Society of America

The Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stenholm:

I am writing on behalf of the Council of Scientific Society Presidents to express our appreciation for your sponsorship of the Farm Animal and Research Facilities Protection Act, H.R. 3270. As you know, this legislation will be instrumental in helping biomedical researchers control and eradicate human and animal health problems.

The Council is made up of the presidents and other senior officers of 55 professional scientific societies with a combined membership of well over one million scientists engaged in the physical, mathematical, and life sciences.

Once again, I thank you for support and look forward to working with you in the future to encourage scientific developments leading to improvements in the state of human health.

Sincerely,

William F. Prokasy

William F. Prokasy
1990 Chairman

The views expressed by CSSP are those of its members and do not necessarily represent the official position of their respective organizations.

1989
EXECUTIVE BOARD
Chairman
Lynn A. Steen
Chairman-Elect
William F. Prokasy
Secretary
Gordon L. Nelson

Treasurer
Warren D. Niederhauser
Past-Chairman
Stephen S. Willoughby
Members-at-Large
Paul W. Abrahams
Gerry G. Meisels
G. Daniel Mostow

Executive Officer
R. Eric Leber
Legal Advisor
L. Manning Muntzing
Science Policy Advisor
Mike McCormack



GEORGETOWN UNIVERSITY MEDICAL CENTER

Research Resources Facility

January 24, 1990

U.S. Representative Charles Stenholm
House of Representatives
U.S. Congress
Washington, D.C. 20515

Representative Stenholm:

I am writing in support of bill H.R. 3270 titled "Farm Animals and Research Facilities Protective Act of 1989". Although I am not a member of your constituency, I am an active member of the biomedical community who has strong concerns about the future of animal research in this country. It is difficult (and expensive) enough to keep up with the ever increasing laws and regulations which govern animal research. But the constant concern over security and destruction of important research has created a certain sense of fear among research faculty and staff across the country. Here at Georgetown University, which has made a major commitment to animal research and now has a state-of-the-art animal facility, security continues to be a very high priority. Obviously, every dollar spent on security is a dollar that could be spent on animal care or research.

For this reason, I support your bill H.R. 3270 with the belief that it will serve as a deterrent to the fringe animal rightists who wish to stop research by committing felonious acts. Such individuals must know that they will pay a real penalty for such crimes; that the people of this country have had it with such extreme acts of terrorism.

As a veterinarian and director of Georgetown's animal research facility, I assure you that faculty researchers take animal research very seriously. These people are working hard to help make new discoveries that can lead to improved health care for man and animals. Such work cannot be conducted in the face of violence and intimidation. The biomedical community needs help and protection. If there is anything that I can provide in supporting this bill, please ask.

Most sincerely,

Stephen P. Schiffer, DVM, MS
Diplomate ACVIM (Internal Medicine)
and ACLAM
Director, Research Resources Facility

SPS:ano

3950 Reservoir Road NW Washington DC 20007
202-687-1676

American Sheep Industry Association

August 1, 1989

The Honorable Charles W. Stenholm
Chairman, Subcommittee on Livestock,
Dairy and Poultry
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Stenholm:

On behalf of the American Sheep Industry Association and the 115,000 sheep producers that it represents, we support your efforts on the Farm Animal and Research Facility Protection Act of 1989.

We thank you for taking the initiative to protect the safety of our livestock and the animals in research laboratories, as well as the safety of those who work with these animals. Our members are concerned about the escalating danger to animals, farmers and organization staff caused by violent acts against animal agriculture and research. It is extremely important that innocent people are protected from vandalism and violence.

Once again, thank you for your efforts.

Sincerely,

Bill Schneemann *Pierce Miller*

Bill Schneemann
President

Pierce Miller
Chairman, Legislative Council

412 First Street, S.E. • Washington, D.C. 20003 • (202) 484-2778
200 Clayton Street • Denver, Colorado 80206 • (303) 399-8130



AMERICAN COLLEGE OF RHEUMATOLOGY

17 Executive Park Drive, NE, Suite 480, Atlanta, Georgia 30329
Telephone 404 633-3777 Fax 404 633-1870

October 9, 1989

Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Stenholm:

The American College of Rheumatology (ACR) is the world's largest organization of physicians and scientists dedicated to providing leadership in arthritis research, education and patient care. On behalf of our 4,500 members and the 37 million individuals who have arthritis and other rheumatic diseases, we are pleased to take this opportunity to express our strong support of HR 3270, the Farm Animal and Research Facilities Protection Act of 1989. We commend Representatives Stenholm, de la Garza, Madigan and all other original co-sponsors for their leadership on this bill.

HR 3270 will provide protection for all animal research facilities by engaging federal investigation and enforcement capabilities against acts of sabotage and vandalism which are being committed with increasing frequency against these facilities. We believe that this bill will effectively deter those who would break the law by committing these acts.

If you have not already done so, we urge you to co-sponsor HR 3270. Please do not confuse this bill with HR 3223, a bill with a similar title. That measure does not protect research facilities, but in fact may actually serve to perpetuate the commission of illegal acts against them.

In advance, ACR thanks you for your attention to this critical issue.

Sincerely,

John D. Stobo, M.D.
President



AMERICAN VETERINARY MEDICAL ASSOCIATION

GOVERNMENTAL RELATIONS DIVISION • SUITE 300

1023 FIFTEENTH ST., NW • WASHINGTON, DC 20005 • PHONE: 202/659-2040 • FAX: 202/842-4360

21 August 1989

The Honorable Charles Stenholm
Chair, Subcommittee on Livestock, Dairy and Poultry
Committee on Agriculture
US House of Representatives
Washington, DC 20515

Dear Mr. Stenholm:

On behalf of the approximately 48,000 members of the American Veterinary Medical Association and the 27 American colleges of veterinary medicine, I would like to commend you for your commitment to American agriculture, animal research and livestock production. The Research and Farm Animal Facilities Protection Act reflects the recognition at the highest levels of government that illegal acts perpetrated in the name of animal rights threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American Agriculture. These illegal acts may also jeopardize the health and welfare of animals that are stolen or "liberated."

Veterinarians are strong proponents of animal welfare. The Veterinarians' Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. Livestock and poultry producers are also attentive to the welfare of their animals. In the final analysis, it is the health of the producer's animals that determines the success of his or her business. Likewise, the health of research animals ultimately determines the quality of the knowledge produced.

We applaud you, Mr. Chairman and the other cosponsors of this legislation for its introduction. We urge swift passage of the Research and Farm Animal Facilities Protection Act. It is in the best interest of American agriculture. It is in the best interest of the American public. Please count on our support.

Sincerely,

Samuel E. Strahm, DVM
President, AVMA

MAR 16 1990

Kent
STATE UNIVERSITY

Kent, Ohio 44242-0001

Department of Biological Sciences
(216) 672-3613The Honorable Dennis Eckert
U.S. House of Representatives
Washington, DC 20515

February 26, 1990

Dear Representative Eckert:

As a behavioral biology researcher, I am writing to urge you to cosponsor H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989," if you have not already done so. This legislation was introduced by Representative Charles W. Stenholm on September 13 with 44 cosponsors including Agriculture Chairman Kika de la Garza and ranking minority member Edward R. Madigan. I also urge you to cosponsor and support H.R. 3349 if you have not done so. This amendment to the Public Health Services Act, introduced by Representative Henry Waxman, would also help protect research facilities from vandalism and destruction by extremists in the animal rights movement.

Virtually all medical advances in the last century have required animal research, including the development of coronary bypass surgery, medication to control high blood pressure, insulin to manage diabetes, chemotherapy to combat cancer, and methods to treat infertility in many couples. Animal research will be essential in the search for cures and treatments for other medical conditions such as Alzheimer's disease and AIDS. Behavioral and neural biology studies on captive animals have set the stage for many of these applied investigations.

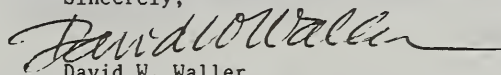
In recent years, extremists in the animal rights movement in the United States have increasingly used illegal and terrorist means in their efforts to end all research involving animals. Extremists break into laboratories, steal animals and destroy data, equipment and records. By making such criminal acts federal offenses, H.R. 3270 and H.R. 3349 would bring federal investigative and enforcement capabilities to bear against acts of research sabotage that threaten our nation's health.

Such legislation will not inhibit public criticism responsibly lodged through lawful channels, but will deter those who break the law in the name of animal rights. Therefore, your support of H.R. 3270 and H.R. 3349 is very important to the protection of essential research and the laboratory animals which it requires.

Please do not confuse Mr. Stenholm's bill with H.R. 3323, another bill with a similar title. H.R. 3323 does not protect research, but will actually encourage and reward criminal acts. It does not deserve your support.

I will be pleased to assist you or your staff should you have any questions. Please contact me if you wish additional information. Thank you for your consideration.

Sincerely,



David W. Waller

Assistant Professor

- c: The Honorable John D. Dingell, Chairman, House Energy and Commerce Committee
The Honorable Kika de la Garza, Chairman, House Committee of Agriculture
The Honorable Edward R. Madigan, Minority Leader, House Committee on Agriculture
The Honorable Charles W. Stenholm, House Committee on Agriculture
The Honorable Henry Waxman, Chairman, Energy and Commerce Subcommittee on Health

TVMA

TEXAS VETERINARY MEDICAL ASSOCIATION

6633 Highway 290 East, Suite 201, Austin, Texas 78723 512/452-4224

October 26, 1989

The Honorable Charles Stenholm
Chair, Subcommittee on Livestock,
Dairy and Poultry
Committee on Agriculture
U.S. House of Representatives
Washington, D. C. 20515

Dear Congressman Stenholm:

We recently received information from the American Veterinary Medical Association regarding H.R. 3270, the Research and Farm Animal Facilities Protection Act.

The 2,600 members of the TVMA wish to join with our colleagues throughout America in commending you for your commitment to American agriculture, animal research and livestock production. H.R. 3270 sends a clear message that illegal acts even when perpetrated in the name of animal rights will not be tolerated. Such extremist activities threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American agriculture. These illegal acts also often jeopardize the health and welfare of animals that are stolen or "liberated".

Obviously, veterinarians are among the strongest proponents of humane treatment of all animals. The Veterinarians' Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. Livestock and poultry producers are also attentive to the welfare of their animals since it is the health of these animals that determines the success of their business. In research, it is equally important that healthy animals, humanely treated, be utilized to obtain accurate results and advance science.

Again, Mr. Chairman, the officers, directors and members of TVMA applaud you. We urge swift passage of the Research and Farm Animals Facilities Protection Act and hope that you will keep us posted on progress.

Please feel free to call on this office if we may be of assistance to you or any of your staff.

Sincerely,



Donald M. Ward
Executive Director

DMW/dkg

cc: Marcia Brody, AVMA
Dr. Bill Ard
Dr. Larry Kornegay



87th Annual Convention • February 2-5, 1990

**National Broiler Council**

August 2, 1989

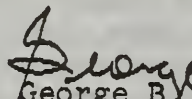
Honorable Charles W. Stenholm
House Committee on Agriculture
1330 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

It is our understanding that you will introduce this week the Farm Animal and Research Facilities Protection Act to provide federal protection to farmers and researchers from illegal acts. The National Broiler Council commends you for taking a leadership role with regard to this most important legislation.

We offer our full support for this proposed legislation as well as our assurances that we will work with you and your staff to ensure passage of the bill. The protection provided by this legislation is long overdue.

Sincerely,


George B. Watts
President

gw:fs



American Heart Association

Office of
Public Affairs

*Dedicated to the reduction of disability
and death from cardiovascular diseases
and stroke.*

January 22, 1990

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stenholm:

The American Heart Association (AHA) is dedicated to the reduction of disability and death from cardiovascular diseases and stroke, this Nation's leading cause of death. On behalf of the AHA, its 56 Affiliates, and over 2.7 million volunteers, I commend your leadership in sponsoring H.R. 3270, the "Farm Animal and Research Facilities Protection Act."

Millions of Americans today are alive and healthy because of advances in the prevention and treatment of cardiovascular diseases. The age-adjusted death rates from heart attack, stroke, and related diseases are declining. This decline is largely related to changes in lifestyle and development of methods of treatment, many of which are based upon animal experimentation. As yet, there is no completely satisfactory way to model the extraordinary complexity of the human cardiovascular system. Therefore, development of new knowledge, testing of new drugs, and the refinement of new devices and operations that affect the cardiovascular system require animal experimentation.

The growing number and intensity of illegal attacks against researchers and research facilities which delays, curtails and increases the cost of essential biomedical research, jeopardizing health advances for animals and humans, must be stopped. The AHA applauds and actively supports your efforts to make such acts a Federal crime.

I have written Congressman de la Garza urging him to schedule prompt Agriculture Committee consideration of your legislation. To help you generate additional support for this important bill, the AHA has asked our volunteers nationwide to contact the Representative from their districts to co-sponsor H.R. 3270. We look forward to working with you to gain passage of the "Farm Animal Research Facilities Protection Act."

Sincerely,

Myron L. Weisfeldt, M.D.
President



THE UNIVERSITY OF CHICAGO PRESS

CHICAGO, ILL. 60607

1990

1990

1990

1990

1990

1990

1990

1990

1990

NATIONAL AGRICULTURAL LIBRARY



1022466537

* NATIONAL AGRICULTURAL LIBRARY



1022466537